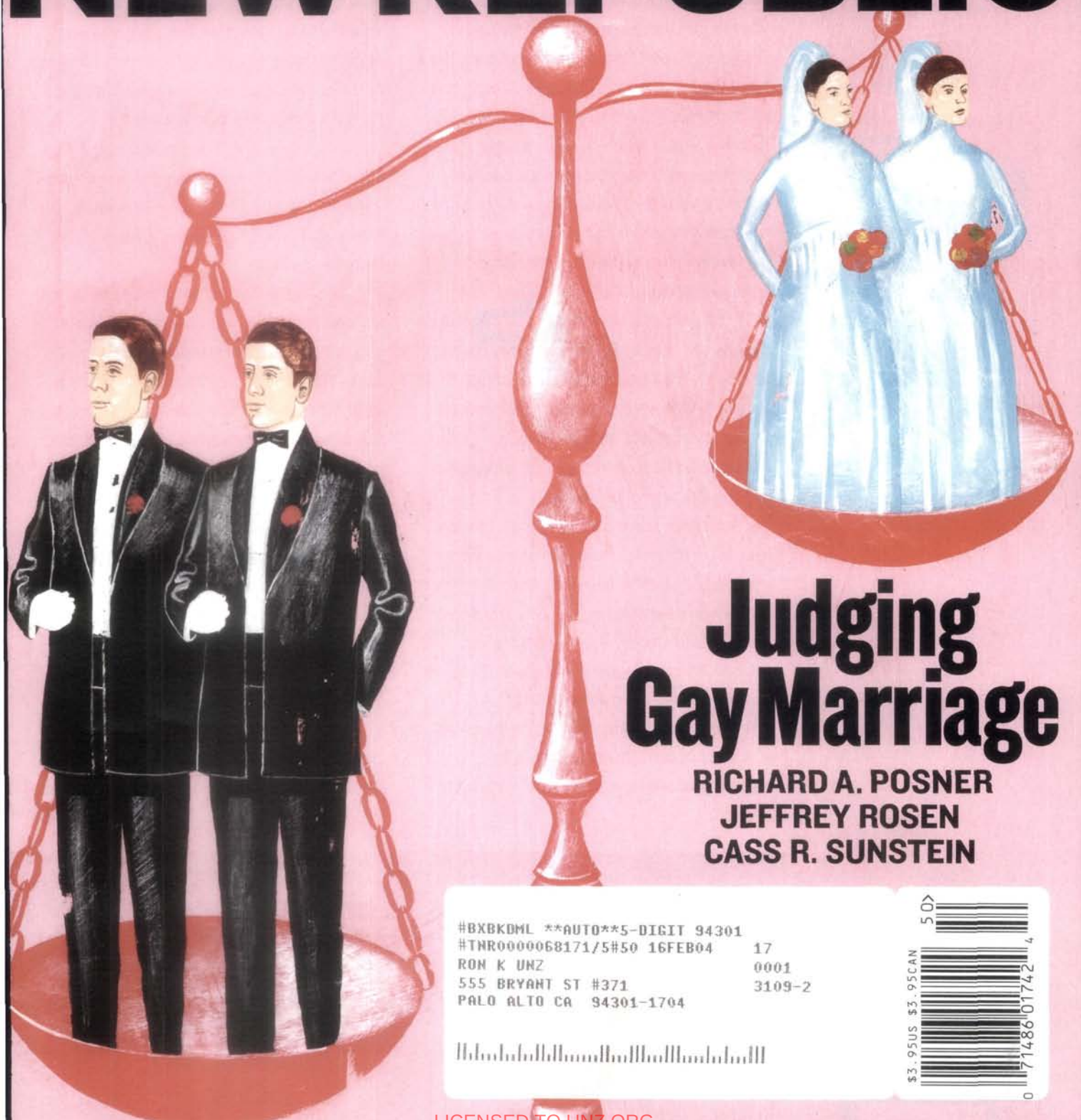
WHAT IS COMEDY?
JAMES WOOD

WHAT WAS GORE THINKING?
RYAN LIZZA, THE EDITORS

THE NEW REPUBLIC

WWW.TNR.COM ▶ DECEMBER 22, 2003



Judging Gay Marriage

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Iraq and Vietnam

Robert Zelnick is a research fellow at the Hoover Institution and chairman of the Department of Journalism at Boston University.

Despite a lifelong drift toward the political right, I remain convinced that my opposition to the Vietnam War was correct. I could not then and cannot today see the wisdom of stirring the ashes of French colonial ruin. Nor could I embrace the "tactical evacuation" of villagers from their ancestral homes, the Agent Orange employed to poison crops the enemy might eat, the phantom victories and inflated enemy body counts, the hoax of Vietnamization. I saw no dominoes beyond Indochina, only the inertia of committed egos. True, great powers should not lightly abandon their friends, but that sad result was preordained by political and geopolitical reality.

Today critics of the U.S. effort in Iraq casually invoke the memory of Vietnam. The United States finds itself in another quagmire, they claim, lured into battle by executive branch tactics as tricky as those employed by LBJ at the Gulf of Tonkin—overwhelmed by an enemy that feeds off popular resentment of the occupier, facing humiliation unless it can dump its obligations on a reluctant international community.

The comparison fails on every front. Saddam Hussein—with none of the national revolutionary credentials of Ho Chi Minh—was a Stalinist-style butcher who slaughtered his own people by the hundreds of thousands, waged aggressive war, employed chemical weapons, and sought to acquire a nuclear arsenal. He harbored terrorists and advertised his commitment to fattening the estates of suicide bombers. The very thought of this megalomaniac making or disposing of weapons of mass destruction according to his perception of an external threat is a decisive argument for armed intervention, not the reverse.

I am convinced, however, that a larger U.S. force was needed to take control of the country, to disarm potential foes, and to establish security in the immediate aftermath of the war. Iraq's army was needlessly disbanded, its internal security forces told to scatter. The United States has approached the formation of an Iraqi government and the implementation of a working constitution as though on a timetable befitting postcolonial America living under the Articles of Confederation. Meanwhile, attacks against U.S. forces multiply. The death and injury tolls mount.

Pressure on President Bush to take decisive action is intensifying. That is fine, if the action is designed to secure victory and not to paper over defeat. We need sufficient forces on the ground to choke the enemy, to aggressively carry the fight to places like Falluja—rather than carrying American bodies out. **Our credo should be democracy for Iraqis who work with us, destruction for those who bomb civilian hotels, shoot down helicopters, kill Red Cross workers, and murder Italian cops.**

From the outset the administration has accurately articulated the stakes in Iraq: We cannot allow terrorism to prevail in a part of the world where U.S. interests are vital and where fanatical movements may soon wield weapons of mass destruction. Now the administration must fight like it believes its own words. Here, unlike Vietnam, a fig leaf for defeat will not do.

—Robert Zelnick

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THE NEW REPUBLIC
A JOURNAL OF POLITICS AND THE ARTS

DECEMBER 22, 2003 WASHINGTON, D.C. ISSUE 4,640 VOLUME 229

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A visionary American artist returns.

LEE BONTECOU

A RETROSPECTIVE

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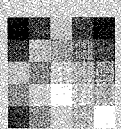

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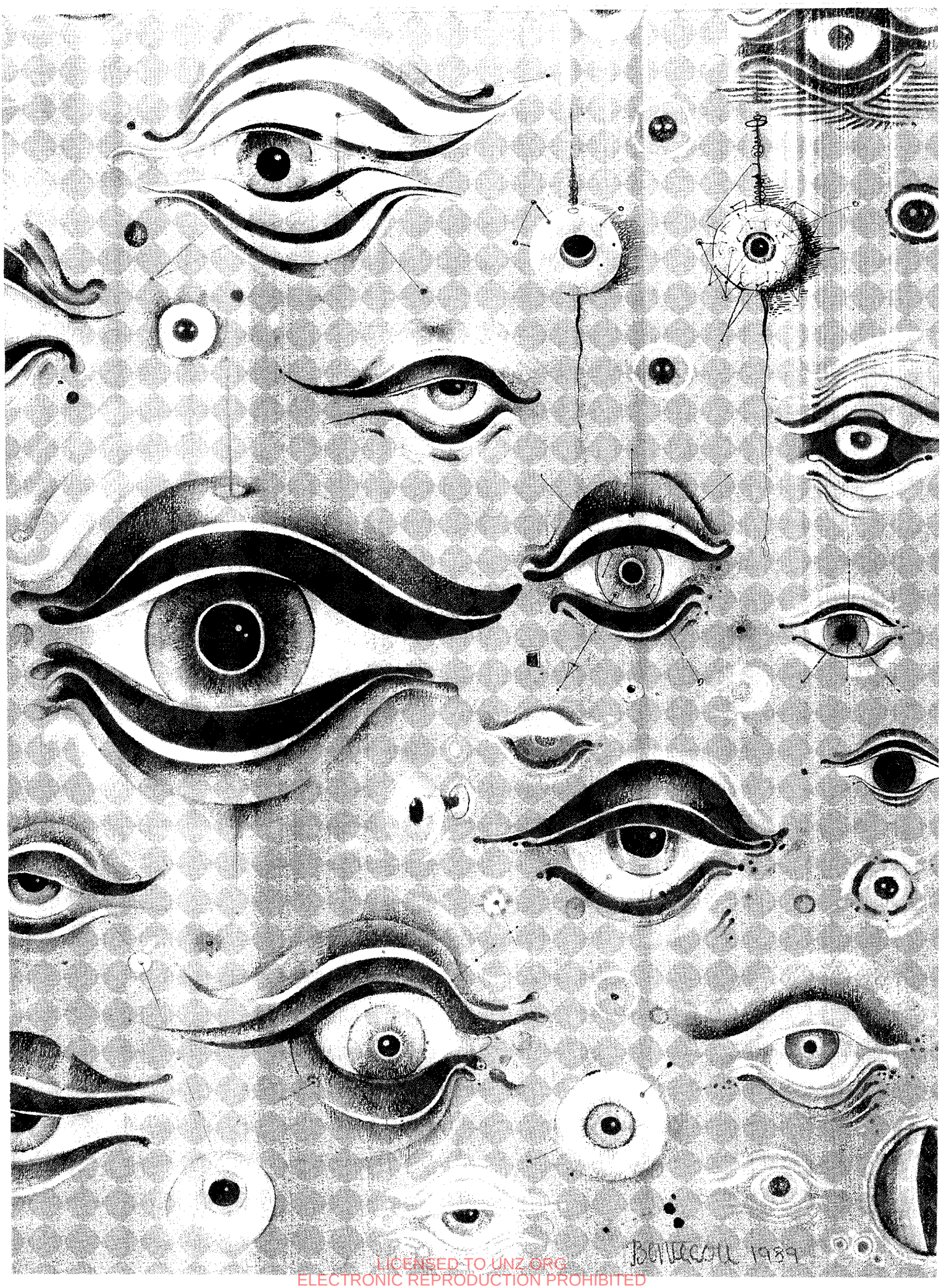

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CORRESPONDENCE

PLEDGE CLASS

THE NEW REPUBLIC EDITORS' opinion that the Pledge of Allegiance case has "become a symbol of liberal judicial activism run amok" is inconsistent with the editors' defense of religious neutrality ("Stand on Ceremony," November 3). It should be obvious that the "under God" Pledge endorses a Christian compatible monotheism over various competing beliefs. This is not just "about symbols rather than tangible benefits." It is a direct and blatant government establishment of monotheistic belief that fortifies anti-atheist prejudice, which opinion polls show is a widespread and deeply rooted problem.

It should be no surprise that the social conservatives who demand government endorsement of Christian compatible monotheism are the same social conservatives criticized by TNR as embracing "the supremacist position" favoring religion over secularism. TNR is willing to risk inciting these social conservatives by fiercely defending religious neutrality as a principle. Yet the TNR editors argue against striking down the Pledge on the grounds that it will reignite the culture war.

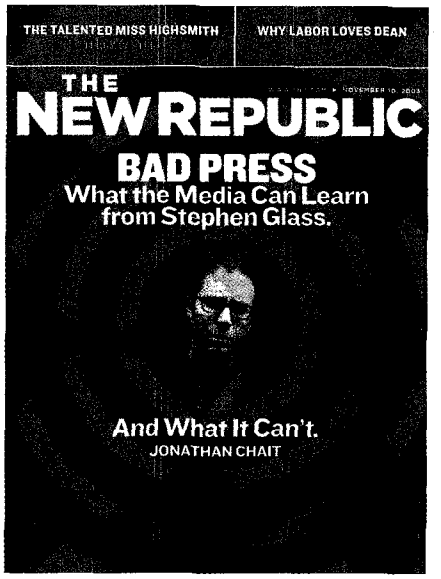
The claim that "even schoolchildren understand that the Pledge is a patriotic rather than a religious exercise" is a false dichotomy. It is the merging of monotheism with patriotism that makes the 1954 Pledge offensive to citizens who are not monotheists and to citizens who value government religious neutrality. The U.S. Court of Appeals for the Ninth Circuit understood this and ruled accordingly.

To reconcile religious neutrality with the defense of the Pledge, TNR resorts to denying the obvious: reciting "under God" is a non-neutral religious exercise. Reverting to the pre-1954 Pledge in public schools across the nation will reaffirm our nation's commitment to a government free of creed-based bias. That should make us proud to be Americans.

MATHEW GOLDSTEIN
Annandale, Virginia

THE FARM FROM IPANEMA

I FOUND GEOFF DYER'S ARTICLE "Role Reversal" very interesting (November 10). I have been following Brazil's transformation into a major agricultural producer and exporter for some time. That is why I recently commissioned a U.S. Department of Agriculture report to examine Brazilian agriculture.



Your article raised some important points about Brazil's role in the world and its rapid advancement as an "agricultural superpower." One issue not addressed is whether it is appropriate for Brazil, an advanced net exporting agricultural economy, to continue to designate itself as a "developing country" under World Trade Organization rules. This self-designation allows Brazilian farmers to evade obligations incumbent upon other advanced agricultural economies. Such a result is unfair. As a farmer and the chairman of the Senate Finance Committee, which has responsibility over international trade, I will be following this issue closely.

CHUCK GRASSLEY
U.S. Senator
Chairman, Senate Committee on Finance
Washington, D.C.

IN DYER'S ARTICLE ON BRAZIL'S expanding agricultural industry, his choice of words speaks volumes. Dyer refers to "unused" land becoming cultivated and Brazil's "cowboy attitude" as it becomes a "globally competitive farming engine." Dyer mentions how few natural limits exist in Brazil's move to "exploit" the *cerrado*. As Brazil's production of soy, cotton, and coffee increases, they have begun to insist that wealthy countries slash farm subsidies. In the meantime, the Brazilian government plans to pave a 600-mile-long dirt road linking the interior region with ports near the mouth of the Amazon and build a new route west to Peru for access to Pacific ports. These costly undertakings are for the benefit of Brazil's farmers.

Dyer seems to think that economic success is the only relevant factor in Brazil's agricultural development. The Maggis, perhaps the biggest soy farmers in the world, are only one family flying around in a personal Lear jet equipped with a satellite phone. How does this compare with your average Brazilian farmer? It sounds like more successful agribusiness for a few. Small farmers in Brazil, the United States, and elsewhere will still work long hours for limited income.

The reference to "unused" land speaks only of dollars and nothing of the biologically diverse environment. Dredging rivers has huge environmental costs. Soy and cotton require mass amounts of chemicals that end up destroying the soil, harming the waterways, devastating wildlife, and often causing disease in people. The climate may allow for three crops per year of soy, but the land cannot sustain such abuse. Brazil's "globally competitive

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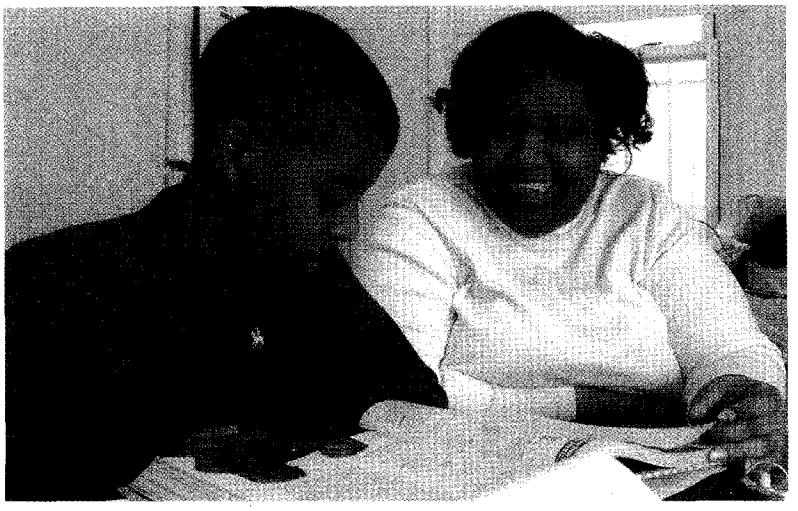
Where We Stand

THE **AFT** ON CRITICAL ISSUES

PARENTS: A KEY FACTOR IN STUDENTS' SUCCESS



Everyone knows that teachers are crucial to students' academic success. But non-school factors are just as important, or even more so—especially the impact parents can have. That's why public school teachers across the country have increased efforts to get parents more involved in their children's education—and a growing number of employers are making it easier for employees to stay involved with their children's education. Parent involvement works.

Few youngsters are so gifted and resilient that they can succeed without any help outside of school. They need family support, from their earliest years and throughout their schooling. Research has shown that parents who read to their children at an early age help boost their vocabularies and reading readiness. And parents who talk with kids of any age in thoughtful, positive ways can significantly enhance their children's ability to learn.

"When my son started out in school, not only did he get bad grades, he was disrespectful to his teachers, didn't pay attention, and was disruptive in class. I knew he'd never make it if I didn't get more involved with his education."

—Luebertha Oliver, Pittsburgh, PA

Studies also confirm that children benefit when their parents maintain high expectations for them and support their learning at home and at school. That's why it is so important for parents to make sure their children get to school every day, check their homework, attend school performances and athletic events, and keep a close watch on their social lives. That's true for all kids, whether they live in cities or suburbs.

But if parents are unable or too overwhelmed by other pressures in their lives to participate actively in their children's education, their absence can create a gaping hole in their children's learning and, ultimately, their future.

"You've got to keep on top of them," says Pittsburgh mother Luebertha Oliver. "I visit my son's school and talk with his teachers a lot—sometimes several times a week. And every night I make sure he does his homework—and check it when he's done. Things have really turned around since I got involved—and I'm very proud of him."

Teachers know how hard it is to balance the demands of work, home, and other commitments. But they also know the critical difference family involvement can make and are eager to work with parents. Let's salute the parents, guardians, and caregivers who make the time to read to their children, help with homework, get them off to school every day, and talk with their teachers. They're doing what works for their children.

To learn more about education programs and resources that work, please visit our Web site at www.aft.org.

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Loose Change

TRB
FROM WASHINGTON

ONE OF THE TRULY POETIC subplots of the recent flap over U.S. steel tariffs was the skill with which the Europeans played politics. In early November, shortly after the World Trade Organization (WTO) deemed the Bush administration's 20-month-old tariffs illegal, the European Union threatened to retaliate with tariffs of its own—on products that just happened to be key exports of crucial electoral states like Wisconsin and Florida. The proposed sanctions were designed to affect "products that are sensitive to important U.S. constituencies," an EU spokesperson told *The Christian Science Monitor*, with what must have been the world's biggest grin on her face. "They are very vocal sectors that would make their case to the administration."

Why was this so poetic? Because it was the White House that had kicked off the political game back when the president first imposed the tariffs last March. Even then, it wasn't hard to see that the chief beneficiaries of the decision, which came after heavy lobbying by the steel industry, would be steelworkers in swing states like Pennsylvania, Ohio, and West Virginia. The tariffs also happened to be suspiciously timed to expire in March of 2005, just after President Bush would be sworn in for a hoped-for second term. As it turns out, the tariffs were imposed at the suggestion of chief White House political adviser Karl Rove over the objections of just about every member of the Bush economic team. (It was only when Rove realized that European retaliation would be more politically costly than junking the tariffs that the administration reversed course.)

Of course, no administration has ever banished political considerations from economic policy-making. Former Clinton economic officials, for example, complain about being overruled on air-conditioner regulations, which environmentalists demanded even though the increase in cost far outweighed the increase in efficiency. But the extent to which this president has exploited economic policy as a tool for his own reelection is nearly unprecedented.

The tariffs were only the first step in the Bushies' unique experiment with electoral-map economics. Two months later came a porcine agricultural bill, which, Bush declared, would "promote farmer independence and preserve the farm way of life for generations." But farm life wasn't the only thing the bill was crafted to preserve. The measure graciously divvied up $20 billion per year among voters concentrated in key Midwestern states like Iowa and Minnesota, and key Southern states like Georgia and Arkansas.

Then, this spring, Treasury Secretary John Snow set to work on a curious new exchange-rate policy, one that just happened to provide a boon to the slumping manufacturing sector. Apparently abandoning an eight-year consensus on the nation's strong-dollar policy (or else several centuries of consensus on the meaning of the word "strong"), Snow announced that his definition of a "strong" dollar was "something people are willing to hold" and that is "a good medium of exchange." The dollar promptly nose-dived. Today it remains at historical lows against the euro and a three-year low against the yen, making U.S. goods remarkably cheap abroad. Coincidentally, American manufacturers recently reported their highest quarterly production increase in 20 years.

Finally, just last month, as the WTO was winding its way toward the steel-tariff ruling, the president made a further mockery of the free-trade principles he touted on the campaign trail. Using an obscure provision of the bill that ratified China's ascension to the WTO, the president imposed strict quotas on imports of Chinese bras, bathrobes, and various knit products. It's possible that the president was genuinely moved by the plight of garment-sewers in South Carolina, who've seen their ranks diminished from 170,000 in the 1980s to fewer than 10,000 today. But, if that were the case, you'd probably have expected him to extend the quota beyond January 1, 2005, which is when WTO rules force the United States to eliminate all textile barriers. Amazingly, he declined. Instead, it looks like the White House was looking ahead to next fall's election, when its Democratic opponent could be an outspoken trade skeptic like Dick Gephardt.

In the history of presidential politics, only Richard Nixon rivals George W. Bush's level of cynicism about the economy. Nixon used just about every economic trick in the book to ensure his 1972 reelection: Throughout 1971, he made good on the generous social spending he'd promised in that year's State of the Union address. Late that year, he took the dollar off the gold standard so the Fed could increase the money supply without restraint. By early 1972, Nixon was reportedly even ordering his Cabinet to spend money, which helped turn a $3 billion surplus into a $23 billion deficit in less than two years. The consequences were hard to miss once Nixon lifted wage and price controls in 1974: Inflation spiraled, and interest rates rocketed into the double digits. Before long, the United States was on the edge of one of the deepest recessions since the 1930s.

But even Nixon's irresponsibility pales in comparison with Bush's. What makes W. qualitatively worse is the larger fiscal dynamic at work. That is, to ensure his own reelection, Nixon needed to focus on only one objective: buying off swing voters. But, thanks to the rise of the conservative movement, Bush actually has two objectives: He must buy off swing voters but also appease his conservative base—often the people most incensed by the policies used to accomplish goal number one. How does Bush square that apparent circle? With lavish, long-term tax cuts that disproportionately benefit the wealthy.

Politically, the effect is positive: Swing-state voters are happy because they have their manufacturing jobs and their farm subsidies. Conservatives are happy because they have their tax cuts. The problem is that, economically, each tactic reinforces the negative effects of the other: Monkeying around with the dollar the way Snow has drives up long-term interest rates; so do the massive long-term deficits caused by the administration's upper-income tax cuts. Meanwhile, tariffs and quotas drive up prices for consumers, which, among other things, leads to inflation and ultimately higher interest rates as well. Keep heading in that direction and don't be surprised if, not long after 2005, Bush's strong recovery turns anemic. Of course, he could always trot out John Snow to redefine the word "strong" again.

NOAM SCHEIBER

Peter Beinart is out of the country. He will return to writing TRB next week.

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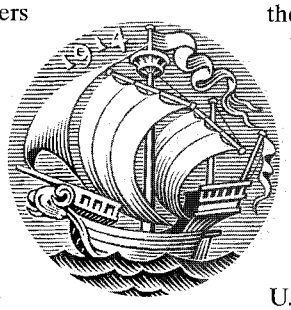
Beirut on the Tigris

AFGHANISTAN HAS NO shortage of problems, but one international effort to improve security there—the decommissioning of private militias—is yielding results. The United Nations, with the support of the United States, recently launched a program to convince armed fighters loyal to Afghan warlords to hand in their weapons and get training for new, nonmilitary careers. As *The Christian Science Monitor* reported last week, the United Nations hopes to persuade nearly 100,000 Afghans to give up their arms in the coming months.

Unfortunately, in Iraq, the Bush administration is doing exactly the opposite: In its desperation to hand security over to Iraqis before the 2004 election, the administration is considering *creating* armed militias. Last week, *The Washington Post* reported that occupation authorities are debating forming a militia unit comprising soldiers from several political parties represented on the U.S.-selected Iraqi Governing Council, including the Iraqi National Congress (INC), the Iraqi National Accord (INA), the Patriotic Union of Kurdistan (PUK), the Supreme Council for the Islamic Revolution in Iraq (SCIRI), and others. The militia will be officially tasked with assisting counterinsurgency and, in theory, will be controlled by American forces. But its men likely will owe their primary allegiance to their political bosses and might easily be tempted to use their weapons to promote their chiefs' individual agendas. In fact, since the November announcement that a caucus-elected transitional national assembly will take the place of the Iraqi Governing Council next year, unelected Council members worried about rejection in the caucuses have been lobbying Washington to allow them to retain power. Now, it appears they may have the means to do so. According to *The New York Times*, the militia may be charged with "the gathering of intelligence on guerrilla activities and possibly conducting house raids"—two activities that would immediately give these party-affiliated fighters power among Iraqi civilians, enabling them, for example, to intimidate voters.

Already, many Iraqis understand that the militia would constitute a power grab by Iraqi Governing Council chieftains. As one unaffiliated member of the Council told *The Washington Post* last week, "When you ask [the fighters], 'Who are you loyal to?' they will not say Iraq. They will say Alawi or Chalabi or Talabani"—the leaders of the INA, the INC, and the PUK, respectively. And those leaders are not exactly Thomas Jeffersons. Both Jalal Talabani and Ahmed Chalabi recently have been currying favor with decidedly undemocratic Iran. SCIRI, another group represented on the Council, was sheltered and funded by Iran during Saddam Hussein's reign. Ayad Alawi, meanwhile, is a former Baathist, whose INA contains many former members of Saddam's security forces who defected in the early '90s.



The creation of a militia with such conflicting loyalties could easily provoke widespread factional conflict. Ghazi Yawar, a nonaligned member of the Council, told *The New York Times*, "This can lead to warlords or civil war," and he mused menacingly, "Should I form my own militia? I can have 20,000 people or more here." A collection of Sunni clerics, the Islamic Ulema Commission in Iraq, has denounced the move as the "Lebanonization" of their country, comparing the proposed militias to the armed gangs that once roamed Beirut backing various chiefs. One prominent Baghdad sheik, Abdel Karim Qubaysy, even called the plan "a bomb that could explode at any time." That explosion is no idle concern. As Hassan Fattah has reported in these pages, dozens of different private militias have sprung up since the fall of Saddam in Baghdad alone. Though Coalition Provisional Authority chief L. Paul Bremer ordered these private units disbanded months ago, most have remained armed. In other words, the security situation is highly combustible, and the United States appears ready to strike a match.

Bremer and Lieutenant General Ricardo Sanchez, commander of American ground forces in Iraq, have insisted that fighters who join the militia will enlist as "individuals" not beholden to any political party. One coalition official has promised that any party-based fighters would be "vetted and watched." But vetting has not stopped Iraqi police recruits from taking U.S. weapons and then turning them on coalition forces. If lightly armed, relatively untrained renegade police can pose a danger to coalition forces, imagine the havoc that could be caused by well-equipped militias answering to chieftains with questionable loyalties. The warlord-run chaos that characterizes Afghanistan outside of Kabul offers a cautionary lesson, not a model to be emulated. ■

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NOTEBOOK

Al Gore, 1988 v. Al Gore, 2003

FOREIGN POLICY

At one point during this week's Democratic presidential debate in Durham, Howard Dean interrupted a discussion of foreign policy with the following comment: "We have about twelve minutes left. We've spent almost all our time on Iraq. Now, Iraq and national security are important, but it's not what this debate's about." The election, he proceeded to explain, is about "jobs."

In the old days, such a comment might have elicited a rebuke from Al Gore. For two decades, Gore pushed his party to be serious and tough-minded about foreign policy and America's responsibilities in the world. In 1988, Gore, alone among Democratic presidential contenders, argued against a decrease in defense spending. Casting aside the oppressive shroud of Vietnam, he espoused an interventionist foreign policy, because, he said, the greatest threat to freedom in the world was that the United States "might shrink from using [its power] when it is essential." Selected as Bill Clinton's running mate in 1992 in part for his national security credentials, Gore was perhaps the administration's most influential hawk. But that was then. This week, Gore did not rebuke Dean's blithe comment. Earlier that day, he had endorsed him.

Gore's endorsement of Dean reflects his dismaying ideological evolution since George W. Bush took office. In speeches about Iraq and civil liberties, Gore has embraced a critique of the president more in sync with his party's left wing than with his own history. The once clear-eyed supporter of the Gulf war incoherently tried to balance support for regime change in Iraq with a naïve yearning for international consensus. This year, he seems to have drifted into the intellectual orbit of MoveOn.org, whose members in June said their favorite presidential candidates were Dean and Dennis Kucinich.

Al Gore

It's not surprising that Gore would find Dean's militant anti-Bushism attractive. After all, Gore was savaged in 2000 not only by the failure of the electoral system but also by the news media, which failed to recognize Bush's radicalism despite Gore's prompting. It's understandable that Gore, like many moderate liberals, would allow his justifiable antipathy toward Bush and Bushism to become the lodestar of his political universe. Understandable, but not right.

The most disappointing element of Gore's endorsement of Dean was his call for Democrats to curtail their criticisms of Dean rather than "be divided among ourselves." First, as Gore surely knows, this is more than a little ironic. The whole thrust of Dean's campaign has been to tar his fellow Democrats as "Bush Lite," complicit in the president's policies. And, second, the issues that divide Democrats, especially on foreign policy, are fundamental both to their political future and to America's role in the world. The Democratic Party needs to have this debate—not paper it over—right now, during the primaries. Al Gore has every right to join in that debate. We just wish it were the old Al Gore.

MEDICARE BILL?

In the predawn hours of November 22, a crime was apparently committed on the House floor. Soon after the passage of the Medicare bill, GOP Representative Nick Smith of Michigan, who did not support the legislation, reported that someone—he did not say who—had promised him that a yea vote would result in substantial campaign contributions to his son Brad, a candidate for the House of Representatives. Robert Novak first reported the charge on November 27, and, in a subsequent radio interview (astutely flagged by *Slate*'s Tim Noah), Smith himself put it this way, "[T]he first offer was to give [Brad] one hundred thousand dollars–plus for his campaign and endorsements by national leadership, and I said no."

This offer clearly meets the federal definition of bribery, which includes "promis[ing] any public official . . . to give anything of value to any other person or entity with intent to influence any official act." After Noah and others pointed this out, Smith promptly changed his story to say that "[n]o specific reference was made to money," only to possible "support" and "endorsements" for his son. Unembarrassed by the naked artifice of this reversal, Republican leaders now call the case closed. "They looked, and there was nothing of substance there," House Speaker Dennis Hastert said this week.

Coming from Republicans who moralized about a corrupt Democratic majority in the House a decade ago, such indifference is galling. But the Democrats' failure to act is perhaps more so. Under House rules, any House member

David Cowles

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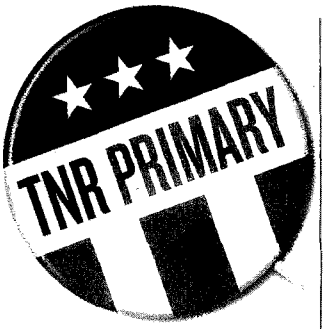
can file a formal complaint that will automatically trigger an Ethics Committee investigation. Unfortunately, for several years now, both parties have observed a tacit ethics "truce" sustained by the threat of mutually assured destruction. Hence, Democratic leaders, such as Steny Hoyer and Nancy Pelosi, have angrily decried the Smith allegation but stopped short of officially requesting action. Pelosi is thought to particularly fear a possible GOP counterattack on months-old allegations about her own campaign finances. But those charges are relatively minor and certainly don't warrant taking a blind eye toward outright bribes. Besides, the time for truces has passed: Republicans declared war on the Democrats a long time ago.

RETURN TO SENDER

GIVEN HIS STANDING IN THE POLLS, it may not matter who John Kerry would appoint as his special envoy to the Middle East were he president. But, as a window into Democratic Party thinking on the Arab-Israeli conflict, his choices are revealing nonetheless. The first qualification of an envoy to a conflict, one would think, would be some degree of trust by both sides. Evidently, that's not a qualification that matters much to Kerry. In a December 3 speech to the Council on Foreign Relations, Kerry offered four names. The first two were George H.W. Bush and James Baker, the president and secretary of state whose general lack of sympathy for the Jewish state inflamed Israelis of all political stripes. The third suggestion was Bill Clinton, who destroyed Ehud Barak's prime ministership in 2000 by eliciting enormous concessions from Israel and getting none from Yasir Arafat at all. And the fourth—most incredible of all—was Jimmy Carter, who last year penned a *New York Times* op-ed attacking the man he would be sent to lobby, Ariel Sharon. Ramsey Clark, evidently, was not available. ■



MISSED OPPORTUNITY

Candidate: John Kerry
Category: General Likeability
Grade: C

Now that he's an underdog, I thought John Kerry's plan was to take the gloves off. But, given a prime chance to show some likeable, damn-the-torpedoes improvisation early in this week's Democratic debate, Mr. Real Deal blew it. The moment came after ABC's Ted Koppel asked the candidates to raise their hands if they thought Howard Dean could beat George W. Bush and, comically, only Dean did. Koppel then asked Kerry, with feigned surprise, why he hadn't.

Here was a chance for Kerry to rip into Dean as an inexperienced and intemperate sacrificial lamb marching straight toward Karl Rove's meat hook. What's more, it was a chance for Kerry to rise to a tough moment with wit, spontaneity, and self-confidence. Instead, the Massachusetts senator replied, in stentorian drone, that he hadn't raised his hand "[f]or the very simple reason ... that I believe in my candidacy, and I believe in my vision for the country, and because every indication is that I can beat George Bush. And that's been shown in some of the national polls."

Ugh! In all-too-classic form, Kerry turned a lighthearted moment into a sanctimonious one. Nor did he answer the original, highly interesting question about Dean's electability—a question upon which, after all, the rationale for his campaign now largely hinges.

—Michael Crowley

SECOND-PLACE PANDER

Candidate: Howard Dean
Category: Political Courage
Grade: F

With Howard Dean's lock on the nomination tightening, it's time to take a fresh look at his views—or, rather, to take a look at his fresh views. On December 12, the formerly free-trading, budget-hawking governor announced his anger with President Bush's decision to repeal the steel tariffs: "When he imposed the tariffs, the president's rhetoric suggested that he actually cared about American steelworkers, their families, and the communities in which they live. If that were the case, he would not be lifting them today."

This is willful absurdity. Unless the new, protectionist Dean thinks "caring" about American steelworkers is worth punishing several of America's other industries with harsh European Union sanctions (and unilaterally infuriating the rest of the world—something I seem to recall him denouncing), he ought to ease off. There was, after all, almost complete consensus among economists that the steel tariffs were a bad idea. Dean's condemnation of the tariff repeal was the second-most shameless Rust Belt pander in recent years. The first, of course, was Bush's imposition of tariffs in the first place.

—Adam B. Kushner

MOVE ALONG

Candidate: Wesley Clark
Category: General Likeability
Grade: C

I badly want to see in Wesley Clark a conquering Democratic hero. But I just can't shake the notion that the guy's a bit of an oddball. Take his appearance on MSNBC's "Hardball" Monday night, when the general foolishly let himself get bogged down in a long exchange with host Chris Matthews over whether he'd been fired as Supreme Allied Commander of NATO in 1999:

MATTHEWS: Why did [Bill Clinton] relieve you?
CLARK: First of all, I wasn't relieved.
MATTHEWS: You weren't?
CLARK: No. Uh-uh.
MATTHEWS: You weren't relieved as supreme commander of NATO.
CLARK: No, I wasn't. No. I was asked to retire three months early.
MATTHEWS: How is that different?
CLARK: If you relieve someone, you take them out of command. What happened here was, I was asked to retire early. ... [Clinton] stood up there again and again and said, "He wasn't fired, he wasn't fired, he wasn't fired." ...
MATTHEWS: You were relieved. ...
CLARK: Chris. Chris, now wait a minute, I was not relieved, OK?
MATTHEWS: You were asked to retire early.
CLARK: Yes. ...
MATTHEWS: But you weren't fired?
CLARK: No.
MATTHEWS: Well, it sounds like it. You were told to leave.

More than once, the live studio audience laughed heartily at this absurd who's-on-first routine, usually at the general's expense. It's also worth noting that this arcane exchange took up almost one-fifth of Clark's "Hardball" appearance. Someone needs to teach the general how to change the subject.

—Michael Crowley

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CARICATURES BY ZACH TRENHOLM

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Campaign Journal

Gored

BY RYAN LIZZA

FOLLOWING AL GORE'S announcement this week that he is endorsing Howard Dean for president, mainstream news coverage generally cohered into two major story lines. First, that it was a surprising rebuke that Gore had declined to endorse his 2000 running mate, Joe Lieberman. ("A STINGING SETBACK FOR LIEBERMAN," announced the senator's hometown paper.) And, second, that Gore's endorsement meant Dean was finally starting to win over the Democratic establishment. ("GORE'S EXPECTED ENDORSEMENT OF DEAN LENDS 'ESTABLISHMENT' SUPPORT IN CAMPAIGN," read a headline from Knight Ridder.) Neither story line withstands much scrutiny.

The betrayal-of-Lieberman account received boosts from the way Gore handled the endorsement (he gave Lieberman no warning that it was coming) and from the way Lieberman handled it (before the endorsement even took place, Lieberman's aides were peddling the betrayal motif). That same day, Lieberman, in a fit of pique, called a press conference in New Hampshire to capitalize on the newfound attention to his campaign and announced that Gore had finally called. "It was about four or five minutes in length and too late," he said curtly. At the Democratic debate that night in New Hampshire, even Lieberman rival John Kerry picked up the theme: "I was sort of surprised today, actually, by the endorsement, because I thought that Joe Lieberman had shown such extraordinary loyalty in delaying his own campaign."

But it really shouldn't have been much of a surprise. In the three years since Gore and Lieberman campaigned together, a rift both personal and ideological developed between the former running mates. The first major tension was over whether Gore would run for president again in 2004—a question that was of particular significance for Lieberman, who had publicly promised not to run if Gore did. But the Connecticut senator didn't just sit idly on the sidelines. When Gore had still not declared his intentions by mid-2002, Lieberman, fearing a late start could cripple his potential candidacy, began quietly lining up fund-raisers and staff—maneuvers that irked Gore, according to people close to the former vice president. (There was at least one private meeting between the two men where Lieberman pushed Gore to put up or shut up.) And, in late 2002, Lieberman pointedly distanced himself from Gore. In his book, *An Amazing Adventure*, Lieberman writes about how he refused to deliver the partisan speeches the Gore campaign fed him—"I'll be damned if I'm going to make *this* speech," he melodramatically recounts—and how he cringed at Gore's populism. "The America I saw in the 2000 campaign," Lieberman writes, "was not an 'us vs. them' country, or a 'people vs. the powerful' economy." In case the message wasn't clear enough, he told reporters during a July 2002 Democratic Leadership Council meeting in New York that the Gore-Lieberman campaign message was a betrayal of New Democrat principles. This peeved Gore enough that, a few days later, he defended his campaign's populism in a *New York Times* op-ed.

As Lieberman moved back toward the Milquetoast centrism that had characterized his Senate tenure prior to 2000, Gore was continuing the leftward journey he had begun during the campaign. By the time he announced he would not run again in 2004, Gore had come out for a single-payer health care plan and against the war in Iraq. (Lieberman, by contrast, takes the incrementalist approach to health care and has been the most adamant Democratic advocate of the war.) As the campaign progressed, the signals that Gore was moving away from Lieberman and toward Dean only got more obvious. Two of Gore's most prominent speeches were delivered to MoveOn.org, the two-million-member-strong, grassroots Internet group that is overwhelmingly pro-Dean. "It was pretty clear," says one Democrat in Gore's camp. "All you do is just focus on what he said in the MoveOn speeches—just the fact that he did it before MoveOn. He was not going to do that and then go endorse Joe Lieberman."

THE SECOND MYTH in the coverage of the Gore endorsement is that it represents the Democratic establishment coalescing around Dean. In fact, what it really represents is Gore's near-total alienation from the Democratic establishment—a term that has become synonymous with the Clintons. Just like his movement away from Lieberman, this started a long time ago. First, there was the criticism that Gore wasn't running on the Clinton legacy in 2000. Then, there was the related hand-wringing over whether he used Bill Clinton effectively on the campaign trail. After the 2000 election was over, the Democratic National Committee was purged of Gore people, such as Joe Andrew, and Bill Clinton's handpicked chairman, Terry McAuliffe, was installed.

Then, in 2002, as Gore was mulling another bid for president, much of the reporting about his potential candidacy focused on the fact that the Democratic establishment didn't want him to run. Typical was a front-page story in *The Washington Post* from November 23, 2002, headlined "SPLIT OVER ANOTHER GORE CAMPAIGN: GRASS ROOTS MORE ENTHUSIASTIC THAN DEMOCRATIC HIERARCHY." As the piece (which echoed others at the time) noted, "Some Democratic

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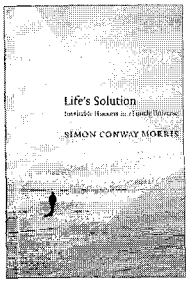

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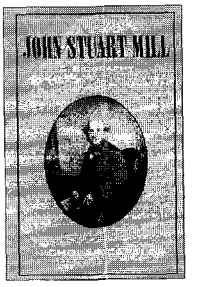

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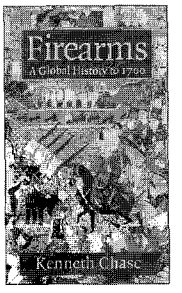

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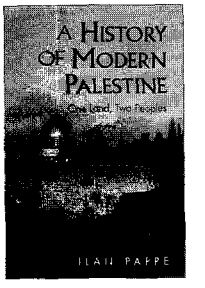

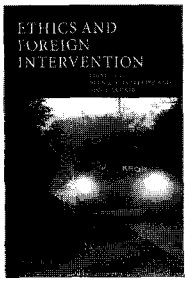

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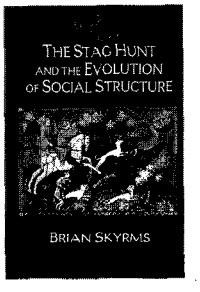

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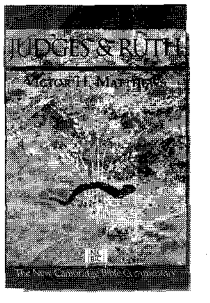

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insiders ... would prefer to see the former vice president slip into permanent political retirement, freeing the party to find a fresh face to challenge President Bush in two years." It's hardly surprising then that Gore has spent the last two years finding a political home outside the Washington establishment that nudged him out of the race.

According to people close to him, Gore has done a lot of thinking since he left Washington about how the infrastructure of the party withered during the Clinton years because so much communication and institutional power was (quite sensibly) concentrated in the White House. (It's no coincidence that Gore spends most of his time these days developing a new TV news network.) Since Clinton left office, two clusters of institutions have filled the Democrats' organizational vacuum: grassroots groups, such as MoveOn.org and the Dean campaign, and inside-the-Beltway shops, such as the new fund-raising groups known as 527s (America Votes, Americans Coming Together) and think tanks (Center for American Progress). The latter groups are squarely in the hands of the Clintons and party strategists associated with them. Naturally, Gore sided with the grassroots-Dean wing. "One of the big animating forces for Gore," says someone close to the former vice president, "was to try and take part of the Democratic Party from the Clintons."

Gore made this point explicit with his endorsement of Dean, which took place in Bill Clinton's adopted backyard of Harlem. And Gore didn't align himself merely with Dean's critique of George W. Bush but with his critique of the party itself. "We need to remake the Democratic Party," he declared in Harlem. Just in case anyone missed it, he repeated the line in Iowa and mocked in a sing-song voice "the pundits, the experts, and the *establishment*," adding that Dean's army is "what we need to rebuild the Democratic Party." It's tempting to see the rift between Gore and the Clintons as a clean ideological split, especially since Hillary Clinton has been sounding more hawkish notes on Iraq recently. But the struggle within the party is less about left and right than it is about insiders versus outsiders. MoveOn.org and Dean For America may run on antiwar fuel, but the 527s are an amalgam of liberal interest groups that have just as much potential to move the party to the left. And the Clintons' candidate (Wesley Clark) is just as antiwar as Gore's.

In sum, Gore's endorsement of Dean is a reaction against everything he thinks cost him the election in 2000: the Clintons, the press, and Bush. There is only one candidate who is challenging the Clinton establishment of the party, making an end run around the mainstream media, and sticking it to Bush. And his name isn't Joe Lieberman. ■

The translator crisis.

Speechless

BY ANNE O'DONNELL

IN JULY AND September, when two American interpreters were separately detained on suspicion of espionage at Camp Delta, the U.S. facility in Guantanamo Bay where suspected Islamic militants are held, many observers expressed surprise that spies might have infiltrated the highly secure facility. After all, the personal histories of both interpreters, Ahmed F. Mehalba and Ahmad I. Al Halabi, contained red flags that should have prevented them from obtaining the required security clearance: Mehalba filed for bankruptcy in 1997, and Al Halabi was under investigation for making anti-American comments.

But the lapse isn't really that surprising. The simple fact is that the U.S. Army—like the CIA, the FBI, the Defense Intelligence Agency (DIA), and other government agencies—is desperate for speakers of Arabic, Farsi, Pashto, and other languages to assist in the war on terrorism. But qualified translators have been hard to come by—even as the need for them continues to grow. "The archival material [American forces] found in Afghanistan strained DIA and CIA to the limits," says Reuel Marc Gerecht, a former CIA operative stationed in the Middle East. And that documentary trove doesn't even compare to the reams of material found in Iraq. "The material that ought to be reviewed for intelligence purposes on weapons of mass destruction, terrorism, and de-Baathification is enormous," Gerecht says.

The good news is that, since September 11, 2001, the government has launched an effort to train and hire many more translators. The bad news is that the effort has been fitful, disorganized, and ineffective. In some cases, this has meant hiring translators who are unqualified or, in the case of the Camp Delta incidents, possible national security threats. (General Richard Myers, chairman of the Joint Chiefs of Staff, told reporters that the Guantanamo Bay infiltrations "should not be a surprise.") But, more often than not, it has meant that translator jobs in military, law enforcement, and intelligence agencies have simply gone unfilled—with potentially disastrous consequences.

ON THE EVE of the September 11 attacks, only a handful of FBI agents spoke Arabic, and millions of hours of Arabic-language intelligence tapes—some of which, it turned out, contained information that might have been used to anticipate the attacks—lay untranslated. According to a January 2002 General Accounting Office (GAO) report, such shortages were prevalent in the State Department and in the Army as well. During fiscal year 2001, 68 percent of the Army's positions for Farsi speakers and 50 percent of its positions for Arabic speakers were unfilled. Days after the attacks, FBI Director Robert Mueller publicly pleaded for "English-speaking individuals with professional-level proficiency in

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Arabic and Farsi" to come to the Bureau's aid; the National Security Agency (NSA) and the Department of Defense issued similarly desperate appeals. The Department of Education poured money into a newly created National Middle East Language Resource Center, a consortium of language experts from more than 20 major universities, to improve opportunities for learning the region's languages. And, last winter, when Deputy Secretary of Defense Paul Wolfowitz visited Dearborn, Michigan, home to a large community of Iraqi-Americans, he announced that the émigrés could help liberate their homeland by joining an Army program in which they would serve as interpreters for U.S. units.

This campaign had some effect. The CIA, for example, reports that, in the last several years, it has tripled the number of Arabic-speaking staffers it employs—though the CIA won't divulge how many it had to begin with. Other agencies have not fared as well. Although the FBI and NSA were inundated with resumés of Arabic speakers following September 11, the vast majority of applicants were unqualified. The Army, too, has failed to attract Arabic speakers, resulting in a serious, sometimes embarrassing, strain on its Iraq operations. According to one American official in Iraq who speaks Arabic, "When one American official was giving a pep talk to his [new Iraqi] staff, basically saying, 'We expect you all to work hard for us, and, if you don't, you know that you'll be fired,' his words were translated as, 'We expect you to work hard for us, and, if you don't, you'll be lined up and shot.' " Many of the interpreters hired in Iraq, the official says, are from other Arab countries and speak dialects virtually impossible for Iraqis to understand.

Part of the problem is a lack of Arabic-proficient Americans: U.S. universities have traditionally given Arabic-language studies low priority. But responsibility also rests with government agencies that seem unwilling, or unable, to change their practices for hiring translators. The January 2002 GAO report that studied foreign-language shortfalls in State, the FBI, and the Army drew up a list of specific hiring recommendations to help each analyze their shortages and develop a strategy to address them. The FBI initially stepped up to the plate, unveiling a plan that called for hiring 193 language-capable agents. Yet, despite this plan, when Senator Russell Feingold's office evaluated the FBI's progress nearly a year later, it found the Bureau had not hired a single new Arabic-speaking agent under the plan. State and the Army, meanwhile, simply told the GAO that they weren't interested in its suggestions. The strategies they had were working so smoothly, it seems, that State today employs only 54 fully professional Arabic-speaking diplomats worldwide to operate in over 20 Arab nations.

The government has not only failed to hire new linguists; it may have difficulty retaining the ones it already has. In part, this is because many agencies continue to treat language capability as a secondary ability at best, and translators feel as though their skills are woefully underused. A group of linguists from Utah's National Guard and Reserves in Iraq recently complained to *The Salt Lake Tribune* that they spend their days as glorified gofers, chauffeuring intelligence collectors from one place to another. The Utah linguists—many of whom learned foreign languages on Mormon missions—are known for their prowess, but these men say their skills have atrophied in Iraq. That's probably because they speak Mandarin Chinese and Spanish, not Arabic. The men were apparently deployed as part of a reserve call-up without anyone noticing that they could be better employed studying Arabic. (Translation skills are, to an extent, transferable among languages, so linguists often learn several.) Although money has been allocated for the men to learn Arabic back in the United States, the military has extended their deployment orders, meaning they're still in Iraq "painting the rocks," as they call their inactivity on base. Guard officials fear many will opt not to re-up when their Iraq stint is over.

The government also has not offered translators the kind of financial incentives that might prevent them from leaving for the private sector. All government agencies provide "foreign-language proficiency pay" to employees who keep up their language skills, but, for active duty Army personnel, it only adds a maximum monthly bonus of $100 per language. Reservists get even less. A special operations reservist who is registered as an Arabic speaker—precisely the kind of person the Army wants to have available to be called up when needed—is paid only an additional $13.33 per month for his skills, because he technically only uses the language during his one weekend per month of active training.

Even without training new government employees or retaining the linguists already in the public sector, government agencies could plug their translator holes with native speakers. Yet State, the FBI, the NSA, and other agencies have been unable to hire enough native speakers to fill the void. This is not entirely their fault: Arab nationals have an extraordinarily difficult time passing the security clearance process. (More than 90 percent of the applicants who sent resumés to the FBI and NSA after September 11 were rejected because they could not obtain clearance.) "The very best people are great because they grew up in Syria or Lebanon," says one Arabic linguist at the Defense Department. "But you can't clear those people for obvious reasons." There are native Arab-American speakers, however, who have lived in the United States for decades and who would make ideal candidates. "There's no shortage of Arab immigrants with all the language skills one could hope for," many of whom "are about as red, white, and blue as they come," says Dr. Kirk Belnap, director of the National Middle Eastern Language Resource Center. But Justice Department campaigns to track and register Arab-Americans have made many mistrustful of working for Uncle Sam. "The good news is these [Arab-American] communities ... have the numbers and language skills our government needs," says retired Lieutenant Colonel Stephen Franke, a former Army Arabic linguist. "The bad news is they've

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become so traumatized" that many of them—especially community leaders—now want very little to do with government recruiters.

Even Arab-Americans who want to volunteer as linguists find there is no easy way to do so. News of the program announced by Wolfowitz last winter spread across the country at a snail's pace. When Franke contacted an Army recruiting office in California weeks after the program was announced on behalf of an Arab-American friend whose son wanted to enlist, the recruiters "didn't have a clue what I was talking about," he says.

WITH THE NUMBER of Arabic, Pashto, and Farsi speakers still so low, the government has been forced to improvise. The Department of Defense, for one, has turned to contractors, asking the San Diego–based Titan Corporation to search for linguists. But contractors are at best a stopgap solution. According to several reports, when professionals are unavailable, contractors normally hire native speakers who have never worked as linguists, give them only two weeks or so of training, and throw them into live situations. For example, Titan's recruiting practices include cold-calling people in the phone book who have Afghan-sounding names and posting hiring messages in online chat rooms frequented by Arab-Americans.

Contractors also may not vet their hires closely enough, as the alleged Guantanamo infiltration shows. One of the suspected spies was supplied to the military by Titan; as a result, the company's contract is "under review." But, while Titan was responsible for the initial background check, the government was supposed to perform a more complete security investigation. In response to Senate questioning, Charles Abell, a principal deputy undersecretary of defense for personnel, testified, "We all recognized that we didn't have enough Arabic linguists already employed to meet our requirements. ... In our rush to meet the requirements, ... I think folks were brought on based on those initial checks."

Many government officials realize something more needs to be done. Responding to questions two months ago about the Guantanamo debacle, General Myers said that Arabic is "a language skill that has been in short supply, certainly. ... And we've got to do everything we can do to find people to help." Of course, they said the same thing back in September 2001. ■

Seoul Dispatch

New Deal

BY PETER MAASS

IT WAS A perfect day for a provocation. In late August, Norbert Vollertsen, a German human rights activist, traveled in a chartered bus from Seoul to Cholwon, just a few miles from the border with North Korea. His mission was simple: to launch a flock of hot air balloons, each bearing a small cargo of radios, that the day's brisk wind would carry into the North, where everyone but the elite is deprived of radios that would enable them to listen to foreign broadcasts.

In addition to the balloons, the bus contained roughly a dozen journalists. Vollertsen knew that publicity would be as important as action, if not more so: The felling of Kim Jong Il's dictatorship in the North may ultimately depend less on North Koreans, who are quite possibly the most repressed people on earth, than on foreign governments that could, if they wished, destabilize his regime.

South Korea is not such a country, to say the least. Its government is now presided over by a new generation that wishes to work with North Korea's dictator rather than provoke or topple him. Several years ago, when this "Sunshine Policy" was begun by then-President Kim Dae Jung, the South ceased its propaganda broadcasts across the border. The South Korean government is now not only reluctant to displease its Northern counterpart; it doesn't want anyone else to do so, either.

So it was that Vollertsen's bus was stopped at a roadblock made up of more than 50 policemen in full riot regalia. The provincial police chief told Vollertsen that he would not be permitted to launch his balloons; when the activist tried to inflate one anyway, policemen wrestled him to the ground, injuring his knee. Writhing in pain, Vollertsen was whisked away in an ambulance. Several days later, he showed up in Taejon, where a group of North Korean athletes was participating in a sports festival. On crutches, wearing a neck brace and a knee brace, he led a peaceful protest outside the press center—peaceful, that is, until he was assaulted by North Korean reporters. The next day, after the North Korean government complained about Vollertsen's protest, the South Korean president, Roh Moo Hyun, apologized. Apparently, it did not occur to Roh, or to anyone in the South Korean government, that perhaps the North Koreans should do the apologizing.

At least the South Korean government has a policy toward the North, albeit one that is shameful. The United States does not even have a policy. Due to a conflict between hard-liners who want to topple Kim Jong Il as quickly as possible and moderates who wish to give him a chance to swap his nuclear program for aid, the White House is paralyzed (see Joshua Kurlantzick, "Look Away," December 15). Each side in the internal debate has a correct goal and

Peter Maass is a contributing writer for THE NEW YORK TIMES MAGAZINE.

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an incorrect strategy. The hawks, in their eagerness to remove Kim, are willing to risk a horrific war; the doves, in their desperation to avoid war, risk bolstering Kim's horrid regime. Neither admits that a third option exists: to squeeze Kim while constraining the risks of war and proliferation. This option requires three elements: First, a campaign to use every diplomatic and intelligence lever to contain the North's nuclear ambitions; second, the resolve to discourage efforts by Seoul and Beijing to provide an economic lifeline to Kim; and, third, the restraint to not use inflammatory rhetoric that could incite Pyongyang and lead to war.

THE STARTING POINT for determining the correct policy should be human rights, of which there are essentially none above the thirty-eighth parallel. Kim's regime is not just another repressive dictatorship with which we can do business while holding our noses. Testimonies from defectors and refugees paint a picture of a house of horrors. In the 1990s, North Korea suffered a famine that killed two million people or more. These deaths could have been avoided if the government had allowed foreign donors to deliver food; instead, the regime resisted, fearful of outsiders learning the true extent of the famine and the repression. Belatedly, some food was accepted after aid agencies agreed to leave distribution in the government's hands; as a result, according to defectors, military and political elites were fed while ordinary citizens continued to die.

That's not the worst of it. The North Korean regime operates a network of prison and labor camps, with several hundred thousand incarcerated. Inmates are starved and, quite often, executed. In late October, an advocacy group called the U.S. Committee for Human Rights, in North Korea released a report that included satellite images of the camps. The report is devastating, showing massive gulags spread over large swaths of territory and using testimony from North Korean refugees to highlight gruesome abuses at the camps. As Anne Applebaum, author of an acclaimed book about Josef Stalin's prisons in the Soviet Union, wrote in *The Washington Post*, "If any of the democratic participants [involved in multilateral talks with North Korea] were to absorb fully the information the images convey, the knowledge would make it impossible for that country to conduct any policy toward North Korea that did not make regime change its central tenet." Applebaum is right: Regime change must drive policy.

Engagers in Washington, and to a lesser extent in Seoul, say they are as eager as the hawks to see Kim removed, and they believe engaging his country will infect it with forces that will weaken his grip on power. In the long term, they might be correct. But the long term may be ten or 20 years away. In the short term, foreign aid will strengthen Kim's hold on power by giving him the resources he needs—food, fuel, money—to retain the loyalty of his political and military elites. In the past decade, several billion dollars of aid and investment from the United States, South Korea, and Japan have been funneled into North Korea, but this has not led to improvements in the political or economic situation. If this trend continues, thousands of North Koreans (or tens of thousands or hundreds of thousands) will perish until age or something else catches up with Kim.

The doves argue that only through engagement can North Korea be prevented from continuing its nuclear weapons program and perhaps exporting bombs or bomb-making know-how to rogue states or terrorist groups. A decade ago, the CIA estimated that Kim's regime might have enough plutonium for a nuclear bomb or two. His government announced last year that it had begun reprocessing the spent fuel rods from the Yongbyon nuclear reactor—which, experts believe, might provide enough weapons-grade plutonium for as many as 20 devices. Ten years ago, North Korea also provided missile technology to Pakistan in exchange for information about building nuclear weapons. And, in 1999, North Korea reportedly agreed to provide missiles to Iraq in violation of U.N. sanctions. (The missiles were never delivered.)

The problem, however, is that the United States has tried and failed to buy off Kim's nuclear program before. In 1994, with Pyongyang beginning to reprocess plutonium rods at the Yongbyon reactor, the Clinton administration, along with South Korea and Japan, reached an accord, known as the Agreed Framework, under which North Korea would freeze its weapons program in exchange for shipments of fuel oil and the construction of two light-water reactors, which would run on plutonium that cannot be reprocessed into weapons-grade matériel. That agreement fell apart last year when North Korea announced that, in spite of the agreement, it had secretly continued a uranium-enrichment program. Today, the odds that North Korea would keep its word under a new agreement are longer than before. One of the reasons North Korea has a nuclear program is because it believes the weapons ensure it will not be attacked by the United States. The Clinton administration was not nearly as hawkish as this White House, yet, even then, Kim hedged his bets. Now, with an administration that has invaded two countries since September 11, 2001, and has put North Korea in the "axis of evil," Kim has far greater reason to feel threatened. In recent months, while working on a lengthy profile of Kim for *The New York Times Magazine*, I talked with dozens of security experts, and almost all of them agreed that Kim would not only be unlikely to fully dismantle his nuclear program but unwise to do so. What leader of a small country, faced with a potentially hostile and far larger enemy, would unilaterally disarm?

Still, anyone who opposes offering carrots to North Korea has to address the proliferation concerns. If the White House can't sweet-talk Kim out of his nukes, what can it do to prevent him from making mischief with them? In May, the Bush administration launched a promising new effort, called the Proliferation Security Initiative (PSI), aimed at working with allies to interdict the flow of weapons of mass

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destruction (WMD) and the matériel needed to make them. PSI is supported by hard-liners—including Undersecretary of State for Arms Control and International Security John Bolton—but, if history is any guide, their support is not rock-hard. In Iraq, the hawks believed containment of Saddam Hussein's WMD programs (to the extent they existed) was not a matter that could be left to inspections or surveillance; only changing the regime, by force, would eradicate the problem.

And, even as the hawks voice support for PSI, their inflammatory rhetoric makes it less likely that it will be successful. On July 31, for example, Bolton delivered a speech in Seoul in which he mentioned Kim in less than flattering terms more than 40 times. The North Korean government responded by describing Bolton as "human scum" and demanding that he not participate in further negotiations. (Bolton was not speaking out of turn; President Bush has described Kim as "a pygmy" whom he "loathed.") Satisfying as it might be, waging a rhetorical war on Kim does not further the cause of getting rid of him. It only ramps up tensions to the extent that a miscalculation by either side could lead to armed hostilities. Some hawks might not mind that, but a military conflict would be disastrous even if it fell short of a nuclear exchange. The North Koreans have thousands of artillery tubes pointed at Seoul, and Japan is within range of their missiles—as might be Hawaii and Alaska.

WHAT IS NEEDED, in other words, is an alternative to the hawks' belligerent rhetoric and the doves' too-optimistic engagement. PSI's strategy of containment, pursued tactfully and not merely as a pretext for escalating tensions with North Korea, is America's best bet. Containment worked in Iraq, after all: WMD have yet to be found there. Of course, one of the reasons Saddam did not (apparently) carry out a serious WMD program in the '90s is that he had agreed to U.N. inspections, something it is hard to imagine Kim ever doing. So, without inspections in North Korea, what hope is there of containing the Dear Leader's nuclear ambitions, PSI or no PSI?

While it is probably already too late to prevent Kim from building one or more nuclear bombs, it may be possible to prevent North Korea from exporting the weapons or related technology. A virtue of North Korea's status as a hermit kingdom is that its borders are not porous. Intensifying surveillance and intercepting objectionable shipments are not impossible tasks. The southern border, with South Korea, is essentially hermetically sealed. The northern border with Russia is very short. And, while the border with China sees considerable traffic, it is closely watched by Chinese authorities. Neither China nor Russia wishes to see Kim augment his nuclear arsenal or export it, so, with discreet yet firm prodding from the United States, they should find it in their interests to tighten border surveillance. Ocean traffic, which is sparse, can be tracked through spy satellites and other intelligence-gathering means.

Getting Beijing on board is particularly important because China is the key to destabilizing Kim's regime. China props up the dictator by delivering food and oil supplies that keep his anemic state alive. Chinese leaders do not do this because they are enamored with Kim. (He is, in his Stalinist ways, an embarrassment to their modernizing image, and they are almost as upset with his nuclear program as the Americans are.) The Chinese bolster Kim because he is preferable to what they perceive as the alternatives—an implosion of his regime that could lead to chaos, a horde of refugees, and/or the unification of Korea under a pro-U.S. government led by South Koreans.

But the Chinese have it wrong, and they need to understand this. China's economic and political relations with South Korea are excellent—better, in fact, than America's. China recently surpassed the United States as South Korea's largest trading partner. The young generation that now leads South Korea is deeply anti-American but likes China enormously. In the long term then, a unified Korea might actually be more pro-China than pro-America. Under this scenario, China would have on its border an economic tiger that could provide another spark to its own economy. American officials should further assure Beijing that American troops would not remain in a unified Korea. Of course, some in Washington would not want this: The troops are a projection of U.S. power and their withdrawal would diminish U.S. influence in Asia. But, whether we like it or not, it is historically inevitable that, whenever Kim goes, China will re-inherit its considerable historical influence over the entire Korean peninsula.

Wooing China as an ally against Kim's regime is now being talked about in influential conservative circles. A few weeks ago, I met a prominent conservative Republican who has direct input into the formulation of the Bush team's foreign policies. He said the White House should use all its influence with China to bring North Korea to the top of Sino-U.S. relations. This means, he told me, warning of trade losses if China refuses to do the right thing. Of course, the U.S. business lobby would howl, but this Republican argues the administration should put its money where its mouth is—if nuclear proliferation is crucial to national security, then the prospect of Boeing not selling a few 747s to Air China should not stand in the way.

What would we want the Chinese to do? They could tighten or halt food and oil shipments into North Korea or let more refugees escape into China, undermining Kim's regime just as East Germans fleeing through Hungary in 1989 undermined Erich Honecker's East German dictatorship. This may be too much to expect, but China already cut off fuel supplies to the North once, earlier this year, possibly to pressure Pyongyang. China might even be prevailed upon to use its leverage to force North Korea to agree to nuclear inspections without the generous payoffs Kim would ordinarily demand.

Pressuring China cannot be done by shouting or stomping one's feet: Hard-liners must contain their warlike

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rhetoric. What's needed is understated aggression. This is a job for a more aggressive Colin Powell, not Bolton or Donald Rumsfeld. Zealots may have the right goal, but the diplomats are the right people to carry it out. Zealous diplomacy—that would be a welcome first.

Beyond China, the United States can take steps to support outside groups committed to regime change in Pyongyang. The North Korea Freedom Act of 2003, introduced in the Senate by Sam Brownback, is a good start; it would allow North Korean refugees and defectors to settle in the United States and provide funding for a range of programs and initiatives, such as radio broadcasting into the North. The White House could lean on Seoul to let Vollertsen launch his balloons and support a panoply of other nonviolent operations that activists based in South Korea are trying to carry out. U.S. funds could be made available through third-party channels so human rights activists could infiltrate North Korea's airwaves with opposition broadcasts, so citizens of the North wake up to news feeds from outside their penal colony.

Moderates in Washington and Seoul are cautious about forcing an endgame with Kim because they fear a suicidal doomsday in which North Korea would attack South Korea. These fears are exaggerated. Yes, there would be turmoil if Kim's regime falls apart, but the chaos would fall far short of doomsday. From the collapse of the Soviet Union to the fall of Slobodan Milosevic in Serbia, worst-case scenarios of post-totalitarian turmoil were not realized. Tyrannies are toppled when they are weak—too weak to get revenge if revenge is on their minds. Kim Jong Il is neither insane nor suicidal. He is very pragmatic. At the moment, oppression and nukes are logical tools for him. If his regime begins falling, he is most likely to continue acting pragmatically, which in his case would mean trying to get out alive. ■

Massachusetts gets it wrong on gay marriage.

Immodest Proposal

BY JEFFREY ROSEN

LAST JUNE, WHEN the U.S. Supreme Court struck down sodomy laws in *Lawrence* v. *Texas*, critics objected that the unnecessarily broad opinion would reignite the culture wars by encouraging the lower courts to create a right to gay marriage before the public was ready to accept it. On November 18, in *Goodridge* v. *Department of Public Health*, the Massachusetts Supreme Judicial Court vindicated the critics' most extravagant fears, expansively citing *Lawrence* to justify its decision to redefine marriage to include same-sex unions. In addition to being constitutionally unconvincing, the decision was also politically naïve.

Over the past decade, three other state courts—in Hawaii (1993), Alaska (1998), and Vermont (1999)—have grappled with the question of gay marriage, provoking starkly different reactions. In Hawaii and Alaska, the courts produced overly expansive rulings recognizing gay marriage as a constitutional right. Both decisions quickly incited a popular backlash and were subsequently overturned by state constitutional amendments. In Vermont, by contrast, the state supreme court offered the legislature the option of creating civil unions for gays and lesbians and guaranteeing them all the legal rights of marriage under a different name. Although this solution didn't satisfy all advocates of gay and lesbian equality, it was a plausible reading of the Vermont constitution. And, because of its modesty, the Vermont opinion—unlike those in Alaska and Hawaii—has not been overturned. The Massachusetts court should have followed the example of its New England neighbor; instead, by presuming to redefine marriage, it threatens to provoke an unnecessary political backlash and to weaken the judiciary with another self-inflicted wound.

ALTHOUGH THE ALASKA and Hawaii courts both declared a right to gay marriage, they offered different reasons for their conclusions. The Alaska court said that the right to marry was fundamental and concluded that, if a right is fundamental, it must be extended to everyone on equal terms. This conclusion is less obvious than it appears: The U.S. Supreme Court opinions in the 1920s that called marriage a fundamental right referred to the fact that the right of men and women to marry was recognized by state common law. But state common law also imposed (and continues to impose) all sorts of restrictions on the right, prohibiting not only same-sex unions but also polygamous and incestuous ones. These restrictions suggest that, even if marriage is a fundamental right, the state can refuse to extend it to unions of which it disapproves. And, if marriage really is fundamental enough to be extended to everyone on equal terms, then presumably the restrictions on polygamy and incest might have to fall as well. (At the very least, the restrictions would have to be shown to serve compelling interests, such as preventing harm to women or children.)

The Hawaii Supreme Court took a different tack, arguing that the ban on gay marriage amounts to sex discrimination, because it declares that Ms. X is allowed to marry Mr. Y but

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is prohibited from marrying Ms. Z. In fact, both genders are being treated alike—men and women are both forbidden from marrying members of the same sex. And, unlike laws that prohibited blacks and whites from marrying each other, the laws banning same-sex marriage aren't designed to stigmatize or subordinate one gender or the other.

While the *Goodridge* ruling cites the fundamental rights and sex-discrimination arguments offered by Alaska and Hawaii, it endorses neither. After a lot of huffing and puffing about marriage being a fundamental right, the Massachusetts court refuses to conclude that only compelling state interests can justify its restriction. Instead, the majority says that it doesn't have to decide whether the state has compelling reasons for restricting marriage, because none of the reasons the state offers are rational. (The Massachusetts court deals with the incest and polygamy objections by simply ignoring them—a footnote baldly announces that "nothing in our opinion today should be construed as relaxing or abrogating the consanguinity or polygamous prohibitions of our marriage laws.") As for sex discrimination, while a concurring justice develops the argument at length, it is skimmed over in the majority opinion. (And with good reason: When Massachusetts legislators proposed a state constitutional amendment in 1976 declaring that "equality under law shall not be denied or abridged ... because of sex," they said explicitly that it shouldn't be construed to lead to gay marriage, and the voters of Massachusetts relied on these assurances in ratifying the amendment.)

Instead of following the adventurous logic of the Alaska and Hawaii rulings, the Massachusetts court offers a rationale more adventurous still: There are no rational reasons, it announces, for restricting the benefits of marriage to heterosexual couples. As a constitutional matter, this is a bold and unprecedented conclusion. Ordinarily, rational basis review is a very relaxed standard of scrutiny: If any reasonable legislator could believe that there are plausible and legitimate reasons for the law, judges will uphold it. Although the three reasons offered by Massachusetts—promoting procreation, encouraging the raising of children in two-parent biological families, and conserving limited state resources—might well not pass muster under heightened scrutiny, it's hard to argue that they're completely irrational.

Consider the strongest reason Massachusetts offered for restricting marriage to men and women: the claim that children raised by same-sex couples may not do as well as children raised by their biological parents. In fact, the empirical studies of same-sex families are hotly contested and tend to be based on small and nonrandomized samples. But, under rational basis review, judges are supposed to defer to legislatures unless the reasons they offer are transparently implausible. Since some reasonable legislators might rationally view the state of scientific evidence as unsettled on the question of whether same-sex families are as successful at raising children as parents of opposite sexes, the Massachusetts court should have deferred to the legislature's judgment.

Similarly, the state's case that the prohibition on gay marriage is intended to encourage procreation, while weak—it's hardly obvious that allowing gays and lesbians to marry will discourage straight couples from getting married and having kids—should clear the relatively low hurdle of rational basis review. As a dissenting justice notes in *Goodridge*, it's the people challenging the law who have the burden of proving that reserving the hundreds of legal and social benefits of marriage to straight couples couldn't conceivably affect the decision of some straight couples to marry and have kids. And the fact that the law is, as the lawyers say, over-inclusive—not all married straight people have kids—doesn't mean it's irrational. Under rational basis review, laws are supposed to be upheld as long as the reasons offered on their behalf aren't a transparent ruse for some kind of illegitimate prejudice.

THIS LEADS TO the hardest question in *Goodridge*. You might well assume that, if the state were truly interested only in promoting heterosexual monogamy and procreation—as opposed to making a social statement that gays and lesbians deserve less respect than heterosexuals—then it would extend the legal benefits of civil unions to gays and lesbians. The fact that these unions have not been available in Massachusetts might be seen as a signal, then, that all the talk about the virtue of heterosexual monogamy is a dishonest mask for the real purpose of the law—to degrade gays and lesbians by signaling that they're not as worthy of respect as heterosexual couples. And no one would deny that a legal arrangement designed to degrade gays and lesbians can't pass constitutional muster, even under rational basis review.

This is especially obvious after *Lawrence* v. *Texas*, which suggested that moral disapproval alone can't justify restrictions on individual autonomy. Critics of *Lawrence* plausibly objected that this principle is hard to detect in the U.S. Constitution: For more than 200 years, American judges have assumed that the states were free to restrict private behavior in order to protect public "health, safety, and morals." But it's possible to read *Lawrence* more narrowly. In his opinion for the U.S. Supreme Court, Justice Anthony Kennedy said that *Lawrence* was not a case about "whether the government must give formal recognition to any relationship that homosexual persons seek to enter." Perhaps he meant that moral disapproval might not justify the criminalization of private conduct that inflicted no third-party harms on the public—such as sodomy or masturbation—but that the state was free to express moral approval or disapproval of certain public relationships (such as marriage) as long as the purpose of the distinctions wasn't to stigmatize or degrade individuals or groups.

Armed with this more modest reading of *Lawrence*, the Massachusetts Supreme Judicial Court might have produced an opinion that followed the Vermont Supreme Court's reasoning along the following lines: Massachusetts is free to reserve the label "marriage" for heterosexuals simply because

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it thinks that maintaining the traditional definition will preserve its social prestige at a time when heterosexual marriage needs all the help it can get. But it can't do so in a way that is designed to degrade or stigmatize gay and lesbian unions or to grant them unequal benefits under law. Therefore, the restriction of marriage to heterosexual couples can't be justified unless the Massachusetts legislature immediately creates civil unions or its equivalent for gays and lesbians.

A decision along these lines would have required a degree of judicial activism. But it would have been well-rooted in the U.S. Supreme Court's repeated declarations that states can't create legal inequalities for the sole purpose of degrading or stigmatizing people of whom they disapprove. Since eliminating caste-based distinctions is one of the central purposes of the equality guarantees in the U.S. Constitution, a decision along these lines would have been defensible on historical grounds as well.

Some gay marriage proponents argue that creating a separate but equal track of civil unions is itself unconstitutional. Extending gays and lesbians the legal benefits of marriage while withholding the social benefits that accompany the word "marriage" makes a statement, they argue, that gay unions are less worthy of respect than straight ones. But this conclusion, too, is not convincing. As the same-sex marriage proponent William Eskridge notes in an eloquent essay endorsing the Vermont experiment, civil unions are neither separate nor strictly equal to marriage (gays and lesbians are left without marriage rights at the federal level). But they are clearly designed to ameliorate a caste-like apartheid system rather than to reinforce it, and they are a pragmatic recognition of the fact that nearly 60 percent of the country opposes gay marriage and a smaller percentage opposes civil unions. The genius of the Vermont solution, Eskridge writes, "is that the state insisted that traditional family values give way to the recognition of lesbian and gay rights, but lesbian and gay family values give way to accommodation of traditionalist anxieties for the time being. Once civil unions in action reveal to Vermonters that lesbian and gay relationships are serious and loving (and fraught with most of the same problems as marital unions), the state might be ripe for graduation from [civil unions to gay marriage]." Indeed, this is exactly what took place in the Netherlands, where, just three years after the state created registered partnerships for gays and lesbians, it transformed those partnerships into same-sex marriages.

INSTEAD OF GRADUALLY proceeding from civil unions to gay marriage, as Eskridge advises, the court's overreach may force Massachusetts to retreat from gay marriage to civil unions. The rulings in Alaska and Hawaii triggered political backlashes that brought about constitutional amendments banning gay marriage. The best way to avoid a similar outcome in Massachusetts may be a judicial sleight of hand. The *Goodridge* opinion says that "barring an individual from the protections, benefits, and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts constitution." If the legislature passes a bill recognizing civil unions—as the governor has proposed—one of the judges in the *Goodridge* majority might conclude that this was enough to guarantee same-sex couples the "protections, benefits, and obligations of civil marriage." The judge who jumped ship would have to ignore the fact that majority opinion went out of its way to redefine the common-law meaning of marriage to include same-sex couples: "We construe civil marriage to mean the voluntary union of two persons as spouses, to the exclusion of all others," the majority declared. Perhaps the best way for the legislature to respond to this statement is simply to ignore it. Of course, had the court explicitly invited the legislature to create civil unions, no winks and nods would be necessary.

It's important for liberals who applaud the results in *Lawrence* and *Goodridge* to criticize the clumsiness and heavy-handedness of their legal reasoning. Both decisions seem calculated to drive social conservatives crazy, with their cavalier treatment of precedent and their rhetorical overconfidence. (Both decisions go out of their way to cite similar decisions by European and Canadian courts, confirming the fears of social conservatives who dread the internationalization of U.S. domestic law.) Both also presume to decide the most hotly contested cultural battles by narrow judicial majorities. By trying to impose gay marriage by judicial fiat, the Massachusetts court may set back the cause of gay and lesbian equality rather than advance it. In the United States, social revolutions are always won or lost in the court of public opinion; and the legalization of the culture wars is a sign of weakness rather than strength. ■

Massachusetts gets it right.

Federal Appeal

BY CASS R. SUNSTEIN

IN ITS EXTRAORDINARY decision in *Goodridge* v. *Department of Public Health* last month, the Massachusetts Supreme Judicial Court ruled that a prohibition on same-sex marriage violates the Massachusetts constitution. While the court drew some support from federal precedents, its decision was plainly grounded in previous interpretations of the state constitution and its distinctive guarantees of equality and liberty. The U.S. Constitution was not involved; it was state—not federal—law that formed the basis

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for this ruling. We should therefore celebrate *Goodridge*, not only because it ends a form of second-class citizenship for gays and lesbians but also because it exemplifies the federal system at its best.

The Massachusetts court's most important conclusion in *Goodridge* was that the state had failed to produce a "rational basis" for its refusal to allow same-sex couples to marry. The state had defended its prohibition of gay marriage principally by arguing that it sought to maintain a "favorable setting for procreation." But, given Massachusetts law, that is a ludicrous explanation. For well over a century, Massachusetts has held that a marriage need not be consummated to be valid. It even allows same-sex couples to have insurance coverage for assisted reproductive technology. In the court's words, the "Commonwealth affirmatively facilitates bringing children into a family regardless of whether the intended parent is married or unmarried ... and whether the parent or her parent is heterosexual, homosexual, or bisexual."

The state also defended its ban by claiming that it sought an "optimal setting for child rearing," which it defined as "a two-parent family with one parent of each sex." But this rationale is equally difficult to square with Massachusetts's laws and precedents, which recognize and attempt to protect many families that do not fit the traditional mold. For example, in 1983 the court ruled that homosexual orientation is not sufficient grounds for denying child custody in a divorce case; a 1999 decision, also involving child custody, emphasized that the child's best interests should take full account of the child's relationship with "de facto same-sex parents." Furthermore, Massachusetts ensures that adoption is available to married couples and same-sex couples alike. As the court concluded in *Goodridge*, the state's lawyers "offered purported justifications for the civil-marriage restriction that are starkly at odds with" Massachusetts's distinctive effort to provide a "comprehensive network of vigorous, gender-neutral laws promoting stable families and the best interests of children." And, in any case, "the task of child rearing for same-sex couples is made infinitely harder by their status as outliers to the marriage laws," not least because of the significant economic and social benefits of marriage under state law.

DESPITE THE DECISION'S logic, it is tempting to criticize *Goodridge* as an illegitimate judicial intervention into a controversy that should be settled politically. And, to be sure, it would be preferable if gay marriage had been ratified by the Massachusetts legislature rather than the state supreme court. Judges, after all, should not lightly take sides in any "culture war," nor should they try to engineer social change by exploiting ambiguous constitutional provisions. (This was a serious problem in *Roe* v. *Wade*, where the U.S. Supreme Court used the due process clause as the basis for a broad ruling on behalf of the right to choose.) But these strictures against judicial activism lose much of their force if state judges are simply interpreting state law—as they were in this case—and if the ruling does not foreclose continuing debate within the state. And, in *Goodridge*, the Massachusetts court went out of its way not to foreclose further debate, taking the extraordinary step of delaying its decision for 180 days "to permit the Legislature to take such action as it may deem appropriate in light of this opinion." What does this mean? Well, the ruling says that the state constitution would not permit the state to bar "an individual from the protections, benefits, and obligations of civil marriage solely because that person would marry a person of the same sex." While this is open to interpretation, the court appears to be saying that the Massachusetts legislature could satisfy its constitutional duty by recognizing civil unions—so long as they provided the "protections, benefits, and obligations of civil marriage"—without necessarily calling them "marriage."

Moreover, should the state wish to reject *Goodridge* in its entirety, it could amend the Massachusetts constitution fairly easily. The process is time-consuming but less arduous than changing many state constitutions. To get on the ballot, it is enough for an amendment to be approved by merely one-quarter of state legislators in two successive legislative sessions and then to be ratified by a bare majority of Massachusetts voters in a statewide election. Such amendments are not unusual in Massachusetts, where the constitution has been changed 55 times since 1919—sometimes in response to actual or anticipated decisions of the state supreme court. Most prominently, the state constitution was amended in 1982 to authorize capital punishment when the state supreme court was expected to invalidate it. Massachusetts Governor Mitt Romney, along with many others, has already indicated his support for an amendment that would outlaw gay marriage. If the court's decision stands, it will be because these efforts to pass an amendment have failed, demonstrating that Massachusetts voters do not fundamentally object to gay marriage.

THE REASONABLENESS OF the Massachusetts court's decision does not, however, mean the U.S. Supreme Court should follow suit now or in the near future. Quite the contrary. At the national level, judges ought to show caution in ruling on gay rights. To date, that is exactly what they have done—in marked contrast, it should be noted, to *Roe* v. *Wade*, in which the Court attempted to settle public debate over abortion with one bold stroke. Instead, during the last 15 years, the U.S. Supreme Court has entered the fray over gay rights exactly twice. In its 1996 decision in *Romer* v. *Evans*, the Court struck down a bizarre amendment to the Colorado constitution that banned the state and its cities and localities from outlawing discrimination against homosexuals. The Court's narrow ruling emphasized that this provision had the "peculiar property of imposing a broad and undifferentiated disability on a single named group." In *Lawrence* v. *Texas*, decided last summer, the Court took another small step,

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concluding that states could not punish people engaging in consensual sex. Demonstrating its sensitivity to the importance of procedural legitimacy, the Court stressed that antisodomy laws utterly lack popular support, as reflected by the fact that they have fallen into a "pattern of nonenforcement" in the few states where they remained on the books.

Meanwhile, the Court has declined to intervene in the gay rights debates over which the nation is most sharply divided. It has not said a word about same-sex marriage, child custody, discrimination by public employers, and "don't ask, don't tell." In fact, the U.S. Supreme Court has been at most a bit player in what appears to be a genuine revolution in the legal status of American gays and lesbians; it is the states that have taken the major strides. (For example, California, Connecticut, Hawaii, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, and Vermont, among others, now forbid employers to discriminate on the basis of sexual orientation.) And this is how it should be. An attempt by the U.S. Supreme Court to settle the same-sex marriage debate at this time would be disastrous, undoubtedly causing a heated public backlash and endangering the cause of gay rights itself. The genius of the federal system lies in the fact that, while requiring nationwide respect for certain rights, it allows the law to adapt to the states' diverse cultures, providing extensive room for experimentation and learning. This process should be allowed to run its course before the U.S. Supreme Court weighs in.

Of course, such state-level experimentation will lead to different laws, raising one obvious question: Must other states recognize same-sex marriages conducted in Massachusetts? If so, Massachusetts would be effectively setting marriage policy for the nation. And, indeed, the U.S. Constitution's Full Faith and Credit Clause does require each state to respect the "public Acts, Records, and judicial Proceedings of every other state." But, well before *Goodridge* was decided, Massachusetts law provided that out-of-state visitors could not marry in Massachusetts when the union would be invalid in their state of residence. In any case, Congress foresaw the ramifications of a *Goodridge*-like ruling in 1997 when it passed the federal Defense of Marriage Act, which expressly authorizes states to refuse to recognize same-sex marriages even if they are valid in the state where they were performed. And, even if the Defense of Marriage Act were at some point overturned, for over a century states have been permitted to refuse to recognize certain marriages—those between first cousins, say—that are valid in the state of the ceremony but inconsistent with their own public policy.

THE *GOODRIDGE* RULING makes sense in large part because it stems directly from Massachusetts law. But it also makes sense because of the moral issue it addresses: the right of gays and lesbians to participate in one of society's most important and cherished institutions. Civil marriage is the principal means by which people publicly affirm their commitment to one another, but its legal and social effects are much broader than that. Let there be no confusion on this point: Marriage is an institution created by governments, not by nature. (Some opponents of gay marriage emphasize that marriage is created and sanctified by God; but we are speaking here of civil marriages, not religious ones.) Its benefits are intensely material as well as symbolic, including rights to insurance benefits, health coverage in the event of death of a spouse, generally lower tax rates, hospital visitation in the event of serious illness, and many more.

The Massachusetts court was correct to say that the "marriage ban works a deep and scarring hardship on a very real segment of the community." In an important and even daily sense, the prohibition on same-sex marriage turns gays and lesbians into second-class citizens. There is thus a moral as well as a legal foundation for the *Goodridge* decision. Under the Massachusetts constitution, as under the U.S. Constitution, the core goal of the equality principle is to prevent the government from creating a caste system. As Justice John Harlan wrote in his lonely dissent to *Plessy* v. *Ferguson*, which found that providing separate facilities to segregate blacks was constitutional, "there is no caste" in America. The ban on same-sex marriage seems to violate that principle. Massachusetts Justice John M. Greaney, concurring separately in *Goodridge*, made this point explicitly, complaining of the "continued maintenance of this caste-like system."

Plausible as I find these arguments, however, they of course command nothing like universal agreement. But therein lies the beauty of *Goodridge*: To approve of it, it isn't necessary to be convinced that same-sex unions are legitimate and should be legalized across the country. It is necessary only to acknowledge that ours is a federal system and that reasonable people have made reasonable claims on behalf of those unions. In the 2000 campaign, Dick Cheney wisely emphasized that "different states are likely to come to different conclusions, and that's appropriate. I don't think there should necessarily be a federal policy in this area." Other states need not follow the route of *Goodridge*, but, regardless of how they resolve the issue, their choices will now be more informed, having had the opportunity to observe how well same-sex unions work in Massachusetts. Many Americans are seeing the *Goodridge* decision as a stirring tribute to individual rights. But, equally important, it is a remarkable tribute to U.S. federalism. We should celebrate it as such. ■

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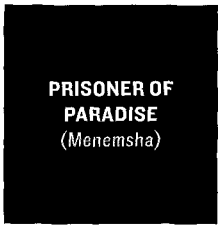
BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

The Berliner

THE STORY OF KURT GERRON has haunted me for years. Now there is a documentary, **PRISONER OF PARADISE**, made by Malcolm Clarke and Stuart Sender, that tells Gerron's story appreciatively and well. The film's narration is done by the premier English actor Ian Holm, who speaks English as exquisitely as anyone alive. The contrast between Holm's pearly speech and the dark things that he tells us and that we see almost outlines twentieth-century civilization, elevation and brutality at opposite ends of the spectrum.



Those who have seen Sternberg's *The Blue Angel* have seen Gerron. He plays Kiepert, the manager of the cabaret troupe that features Marlene Dietrich—a heavy man, with jowls and a gruff yet humorous voice—with accessible compassion. Kiepert is also the magician of the troupe, and at the wedding party of Dietrich and Emil Jannings he pulls eggs from the groom's nose. In the climactic cabaret scene, he breaks eggs on Jannings's clown-wigged head.

Gerron and some of the rest of *The Blue Angel* cast were prominent in the Berlin entertainment world of 1930. (Hans Albers, the strongman who tempts Dietrich, was a popular star who not only survived the war but later even had his face on a German postage stamp.) The fate under Hitler for some of the others was as black as Gerron's, but his story has always seemed a touch more bitter for a reason unrelated to reality: as Kiepert he is so completely in command.

Sternberg especially wanted Gerron for *The Blue Angel* because this native Berliner had become a cabaret-theater-film darling of the city. Born in 1897 to a middle-class Jewish family, he had served in World War I, was wounded, and during convalescence began medical studies. (The Clarke-Sender film is factually substantial, but I must note that small bits of what follows here come from Roy Kift's November 1996 article in *New Theatre Quarterly*.) After he returned to the front and after the finish of the war, Gerron completed his medical studies. Still, more seductively than medicine, the theater called Gerron—especially the cabaret world where, a sort of quintessential Berliner, wry and satirical, he was quickly taken up by audiences. Not long afterward he was enlisted for film and appeared in almost sixty pictures in nine years. He was also called to direct films and become one of the leading comedy directors at the pre-eminent Ufa Studios. And he was also called by the legitimate theater. He was precisely the sort of theater-canny actor who appealed to Bertolt Brecht: Gerron was in the premiere of *The Threepenny Opera* and was the first person to sing "Mack the Knife."

In 1933 the Nazi fist descended. Gerron fled to Paris, where he quickly snuggled into work. He played in a German exiles' cabaret, and he directed three films. He was then invited to direct a film in Austria, after which he moved to Amsterdam. Some of Gerron's friends and colleagues went to South America, but Gerron, apparently unable to transfer himself to a strange new world, remained in Holland. (Many German Jews, including Anne Frank's family, thought they would be safe in Holland, a country without oppression and with cultural resemblances to their own.) In Amsterdam he directed four films and helped to run a Jewish cabaret. But the illusion of safety was blown away. The Germans arrived, and this time Gerron, with his wife, could not flee. They were sent to a transit camp, Westerbork, where there were sixteen thousand inmates and a well-equipped cabaret theater. Gerron made the most of both facts. Then in February 1944 he was sent to Theresienstadt.

About the cultural life in Theresienstadt, much has been published. All of those books and articles describe people doggedly insistent on maintaining civilized existence in such an atmosphere, indescribably better though this camp was than the death and labor camps. Musical performances of a presumably good order were held in Theresienstadt, as were productions of several cabarets. (Ironic but unavoidable note: some of the satirical material was aimed by German-Jewish performers at Yiddish-speaking Polish Jews with whom they would not formerly have associated and with whom they were now forced to live.) But though conditions were among the best in the camps, they were hardly splendid. When the Red Cross announced a visit to inspect Theresienstadt, the Germans spruced up the place—painted buildings, installed flower boxes, improved the diet. The Red Cross was satisfied, and before the Germans returned things to their previous state, they ordered a film to be made of the better state, a film called *The Führer Gives a City to the Jews*. Gerron was ordered to direct. As soon as the Germans were through with him, he and his wife were shipped to Auschwitz, where they were gassed and incinerated on November 15, 1944. The Clarke-Sender film closes with a coincidence: on the next day, Heinrich Himmler ordered the ovens shut down.

When we pick up any German or Austrian artwork that was made in the decade before Hitler's rule, we almost always pick up at least one tragedy with it. *The Blue Angel* has more than one, but Gerron's strikes hardest. This is not because he is a more important artist than the others; does one rank murders by the artistic merit of the victims? But his story does twist us with an added pang. First, this is because he is such a self-possessed, confident man in Sternberg's film, and now Clarke and Sender have increased the twist with clips from some of Gerron's other films—clips emphasizing that his style was generally urbane, smoothly in charge of things. The

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thought of this plump, easy man scurrying from place to place in Europe so that he could remain satirical of the society around him is a black comedy in itself. The film that he was forced to direct in Theresienstadt is the cap.

Besides the clips from his own films that contrast with Gerron's fate, clips from his camp film are included in *Prisoner of Paradise*. Children smile, people sit together, eating and talking, all of them, as we know now, under threat of death if they behaved otherwise. For us today, this is nothing like acting: it is concealed agony. (Most of those people were transported to death camps soon afterward.) I do not know how to look at those clips, especially when I remember that the director—the ex-Kiepert—was himself only a step away from being a wraith himself.

Clarke and Sender weave into *Prisoner of Paradise* latter-day interviews of elderly people who had seen some of these things themselves. I tried to imagine how these people looked at those clips. ■

James Wood

The History of Laughter

MOMUS
By Leon Battista Alberti
Translated by Sarah Knight, edited by Virginia Brown and Sarah Knight
(Harvard University Press, 407 pp., $29.95)

THE PRAISE OF FOLLY
By Desiderius Erasmus
Translated with an introduction and commentary by Clarence H. Miller
(Yale University Press, 198 pp., $12.95)

MOMUS, WHO APPEARS IN Hesiod and Lucian, is the ancient personification of fault-finding, reprehension, and correction. Not necessarily funny himself, he roots out absurdity and foolishness. He sees through you; he truffles for folly. Poor Coleridge, the tormented opium-addict who had much to fear from being seen through, shudders, in the *Biographia Literaria*, at the horror of Momus's fabled desire to put a glass window in the breast of man, so that his heart could be seen.

Momus, you might say, is the patron saint of critics; or at least of religious critics. There are many kinds of comedy, but one rough division could be made between the comedy of correction and the comedy of forgiveness. The former is a way of laughing at; the latter a way of laughing with. The comedy of correction, which would include Aristophanes, Alberti's *Momus*, Erasmus, Rabelais, some elements of Cervantes (though *Don Quixote* massively and amiably contains many comic modes), Swift, Molière, and Flaubert's *Bouvard and Pécuchet*, is satirical in impulse, frequently violent and farcical, keen to see through the weaknesses of mankind, and essentially pre-novelistic. *Bouvard and Pécuchet*, written in the heyday of the novel, is the exception that proves the rule: it is actually much less like a novel than a treatise, written to prove how stupid we all are, by a writer whose comedy is often cruel, who was obsessed with the folly of bourgeois idiocy, and who complained in a letter that he found the characters in *Madame Bovary* "deeply repulsive."

Flaubert was really a religious writer who had transferred his devotion to aesthetics, and the comedy of correction might be called religious comedy, to distinguish it from the more obviously secular nature of modern comedy. The ambition of transparency, the desire to put a window in the human heart, strikes one as essentially religious. Kierkegaard sounds like Momus when he exults, in *Fear and Trembling*, that "a man sitting in a glass case is not so constrained as is each human in his transparency before God." That transparency received its memorably terrifying formulation when Jesus—who weeps in the Gospels but never laughs—admonished us that to imagine adultery is to commit it; we are known, through and through. And the few references to Yahweh's laughter in the Old Testament are anything but funny. In Psalm 2, we are told that God will "laugh at" the heathen and "have them in derision"; and again in Psalm 37, the Lord will "laugh" at the wicked man, "for he seeth that his day is coming." Job, in the midst of his despair, blasphemes against God, claiming that He "will laugh at the trial of the innocent." And the beginning of that very pagan book, which shows God engaging with Satan in what is essentially a game of torture, hardly negates Job's accusation. Here God is like Jupiter, who is described in both *Momus* and *The Praise of Folly* as looking down at heaven from a watchtower. Job's God is little different from Homer's gods: "And unquenchable laughter arose among the blessed gods / As they saw Hephaestus limping through the hall."

SECULAR OR MODERN COMEDY, THE comedy of forgiveness, seems to me almost entirely the creation of the modern novel—with the huge exception of Shakespeare, who is always a delicious obstruction to all theories of comedy, of tragedy, and above all, of the novel. (What created stream of consciousness, really, if not Shakespearean soliloquy?) If satire is punishment for those who deserve it, secular comedy is forgiveness for those who do not. If correction implies transparency, then forgiveness—at least secular forgiveness—implies opacity, the drawing of a veil, a willingness to let obscurity go free. In *Pride and Prejudice*, Elizabeth learns that laughing at is cruel (it is what her irresponsible father is always doing, not to mention the rebarbative Bingley sisters). Instead she will laugh with Darcy, which entails being laughed at *by* him. For Austen, getting married—or rather, falling in love—is the conversion of laughing-at into laughing-with, since each lover, balancing the other, laughs equally at the other, and creates a new form of laughter, a kind of equal laughter. Laughing with Darcy, and loving him, involves Elizabeth in realizing that she was wrong to judge him as harshly as she did, that she may take many years to get to know him properly, but also that, as Philip Roth has it in *American Pastoral*, "getting people right is not what living is all about. It's getting them wrong that is living." Her shallower, more easily satisfied sister, "merely smiles," when she marries Wickham, says Elizabeth. But, marrying Darcy, "I laugh."

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Religious comedy, however slippery it might get—and few texts, technically speaking, are as slippery as *The Praise of Folly*—is fundamentally stable. There is the stability of didacticism, for one thing; both Alberti's and Erasmus's works are edifying projects, conceived as lessons as well as entertainments. It is our task to extract what they preach. There is the stability of satire—the fixedness of typology, the certainty of recognizing broad categories of human folly (hypocrisy, misanthropy, pomposity, foolishness, clerical dereliction of duty, and so on). There is, frequently, the stability of allegory or fable, whereby a decoding of the story is implicitly promised; Alberti may well have been influenced by Aesop's tale "Zeus, Prometheus, Athena, and Momus," and his satire constantly falls back into the allegorical. But modern comedy replaces the knowable with the unknowable, transparency with unreliability, and this is surely in direct proportion to the growth of characters' fictive inner lives. The novelistic idea that we have interiors which may only be partially disclosed to us *must* create a new form of comedy, based on the management of our incomprehension rather than on the victory of our knowing. This kind of comedy is found in Chekhov, Svevo, Hrabal, Henry Green, Bellow, Nabokov, Roth, Beckett, Tolstoy, Naipaul, Gogol, Hamsun, and many other modern writers. (It is interesting that most of the writers in that "secular" list are avowed unbelievers; the few believers, like Tolstoy, Gogol, and perhaps Bellow, are very unorthodox.) The trick of the unreliable narrator, manipulated so brilliantly by Svevo and Hrabal and Nabokov, can only work, can only be funny, if we think initially that we know more about a character than he knows himself—thus we are lulled at first into the comedy of correction—only to be taught that we finally know less about that character than we thought we knew at the outset; thus we are lulled into the comedy of forgiveness. Reliably unreliable narrators are not funny or interesting, in the end; unreliably unreliable narrators are endlessly comic, and endlessly moving. Religious comedy may delight, provoke, excite, prod, amuse, and so on, but it hardly ever moves us, because it does not intend to. Secular comedy almost always does, because it wants to.

There are no straight lines, of course, and no dead termini. Religious comedy does not just write its will to secular comedy and then expire. When Beckett very funnily mocks the pedantry of Catholicism at the end of *Molloy*—"Does it really matter with which hand one asperges the podex?" "Is it true that the infant Saint-Roch refused suck on Friday?" "How long do we have to wait for the Antichrist?"—he sounds like Erasmus mocking the theologians in *The Praise of Folly*; Hamsun is saturated in Lutheran notions of punishment and disgrace; Kundera, who frequently invokes Diderot and Cervantes, seems much more an antique comedian than a modern one, for all the Prague sex games. But there are junctions where one sees mixtures of the old and new comedy, the pre-novelistic and novelistic: in Austen, Cervantes, and Sterne, there are the old elements of satire, correction, punitive violence, farcical shenanigans, and even allegory; and there are also glimpses of a newer, more complicated, more internal comedy. Don Quixote's finally unknowable fantasy excites our compassion as much as it prompts our mockery. Sterne's characters are not fully realized creatures with interior lives—they are not quite novelistic, indeed, at times they seem to belong to a long, satirical poem; Sterne gives Uncle Toby and Mr. Shandy their "hobby-horses," their Cervantine unitary obsessions, which makes them vivid single essences, bright blots of color. Yet Sterne's comic world breathes a very modern forgiveness, and there are moments of mingled tears and laughter that powerfully suggest a new kind of comedy.

Austen may be the most interestingly riven, the most transitional of all these writers. In her work, broadly put, there are the minor characters, who seem to belong to the theater, who are theatrically mocked and "corrected" by the author in her old eighteenth-century satiric mode; and there are the great heroines of the books, the sole possessors of interior consciousness, heroic precisely because they exercise their consciousness, who seem to belong to the newer world of the novel and not of the theater, and who are not mocked but gradually comprehended and finally forgiven. (We forgive Emma, even though we know, morally speaking, that we are not "supposed to.")

Ulysses
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II.

MOMUS WAS WRITTEN IN the 1430s, by Battista Alberti (he took the name Leone only late in life). Alberti was an extraordinary figure, rightly called a "universal man" by Burckhardt. After studying law at the University of Bologna, he worked at the papal curia, the administrative headquarters of the papacy. He took holy orders, but his achievement was not clerical. In Burckhardt's depiction, Alberti was superhumanly gifted, not only brilliantly polymathic but also a fine horseman, a subtle courtier, and a superb athlete. He became the dominant figure of his age in a number of disciplines. He devised a manual for orators that was shaped, for handiness, in the form of a wheel; he wrote "On Painting," one of the earliest treatises of Renaissance aesthetics. Anthony Grafton, in his invaluable biography, claims that Alberti did not invent perspective, but gave its principles "coherent written form for the first time." Above all, Alberti became a major theorist of architecture, designing or helping to design the Malatesta Temple in Rimini and the Rucellai Palace in Florence.

There has been scholarly disagreement with Burckhardt's adulation, and Grafton's book indeed enters several qualifications. There are art historians who find Alberti's designs derivative. But there is no disagreement about the originality of *Momus*, written in Latin, which precedes, and so obviously portends, the work of Erasmus and Rabelais. It is the allegorical story of what happens when Momus attempts to bring the gods and human life into conflict. The plot, which takes the translators of this new edition almost eight pages to summarize in their introduction, is immensely complicated, and sometimes fruitlessly and repetitiously so. In brief, Momus has been exiled to earth, where, as in heaven, he starts stirring up trouble. He advises women to pray to the gods for anything they like, in the hope that the gods will gradually be overwhelmed by frivolous prayer-requests. This is indeed what happens. But Momus finds favor with Jupiter again, and is recalled to heaven, where he regales the gods with his stories of life on Earth. He has tried every human occupation, and has

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discovered that princes and senators are to be pitied, while no way of life is more desirable than the common beggar's. The beggar, after all, knows who likes him and who does not, and often has an easier time attracting audiences for his speeches than the fanciest senator.

Momus also repeats some of the disputations that he has heard among philosophers. Especially interesting are those in which the existence of the gods is challenged or denied. Momus, naturally subversive, agrees with such arguments. After all, human life is a calamity, and the gods seem only to punish the good and to reward the bad. Jupiter, hearing this, sighs that it is not easy to be a prince, and blames humans for complaining so much. Anyway, "man is the worst hardship man must endure. *Man* is the plague of man!" And if they like the world so little, perhaps it is time to construct a new one? Jupiter asks his fellow gods to propose various new worlds. Alberti offers an amusing scene in which the gods, protecting their own fiefdoms like union barons, resist this wholesale renovation. Juno, for instance, "who had set up as a builder thanks to the influx of votive offerings, could not bear the destruction of mankind." Momus hands Jupiter the notebooks that he kept of the philosophers' colloquia while he was on Earth, thinking that the chief god might extract advice from them. But Jupiter rashly puts them aside unread.

IN THE COURSE OF MANY OTHER adventures, in which Jupiter himself descends to Earth in search of Plato and other wise men, only to miss Plato but be insulted by Democritus, Momus finally alienates the gods so thoroughly that he is castrated and chained to a rock in an ocean. Meanwhile, in the underworld, Charon, hearing that the world is about to be destroyed, decides that a last trip to Earth would be opportune. He takes as his companion Gelastus, an impoverished philosopher. In the course of their trek, Gelastus attempts to explain philosophy to Charon, who says he has never heard such nonsense. Charon finds Earth an awful place: "here I have found nothing apart from folly and wickedness, nothing it has not made me unhappy to see." He decides to return to Hades. At the end of the book, Jupiter comes by chance upon Momus's notebooks, and finally reads them. They are full of sane, medial advice, with which Alberti's book ends: the prince should "neither do everything nor do nothing. What he does he should not do alone, nor with everyone else." And so on.

Alberti, like Erasmus, was influenced by Lucian, the second-century Greek satirist. Unlike most ancient comedians, from whom one often struggles to raise the merest guffaw, Lucian is genuinely funny, with a marvelous lightness emulated but not always achieved by Alberti. Lucian's playlet, *Zeus Trageodus*, translated by Lionel Casson as "Zeus, the Opera Star," has Zeus, Momus, and others overhearing a disputation between philosophers. An Epicurean is arguing that the gods do not exist, or if they do, do not have anything to do with humans, and a Stoic is orthodoxly countering him. Opening his crisis meeting, Zeus says, "How about my reciting that famous opening I use in Homer?" To which Hermes replies: "Oh no, we had enough of that nonsense out of you earlier. If you don't mind, forget the hackneyed metrical stuff."

Alberti's book gleams intermittently with similar comic lusters. The founding concept of the narrative, Momus's plan to overwhelm the gods with frivolous prayers, is witty, and is wittily answered by Jupiter's decision to re-make the world because humans are always complaining so much about it. There are other funny moments. The comedy of the man who is happy to be a joker until he suddenly objects to being laughed at is one of those venerable gags that appears in almost all comic writing. Here Momus, having made the gods laugh, gets huffy when the gods start laughing at him. (Don Quixote is similarly touchy about Sancho Panza laughing at him.) The sparkling translation, by Sarah Knight, frequently substitutes English colloquialisms for a more formal diction ("slackers," "chubby," and "Go for it, Momus," for "Sequere Mome," which might be literally rendered as "strive, Momus," or "reach, Momus"). The long Latin sentences, with their dependent clauses and final verbs, are regularly broken into shorter, snappier English ones. The facing page's original text allows readers equipped with various levels of Latin—thoroughly rusty or merely lightly oxidized—to follow the great success of the translator, who has produced a version at once faithful and spirited.

Like Lucian, Alberti enjoys the controlled frisson of blasphemy that plays around, inevitably, the question of the existence of the gods. For Alberti there is the extra menace of such theological allegories appearing in the midst of an orthodox Catholic society. In such a context, what weight is carried by Momus's lament that the gods have never done anything for man, or Jupiter's sigh that he has only limited power to intervene on Earth? These are the classic questions of theodicy, slyly smothered under the

Apocrypha

She knew the governor and knew her people
Were expected to surrender and there
She said look at them in the sand pathetic

She let the cries come high up into
A secret scented chamber on her roof
And the enemy remained around them

Circling the town and no water entered
Rain water rationed left the people weak
Some are crying hear the cry is it

Difficult to follow the molecules
Of dying when they fall hopelessly
Inadequate in sand and the town goats

She heard open omnivorous mouths
There is no parable for the pathetic
No grand slow movements in a minor key

Where injuries didactic and baroque
Amass authority then ecstasy
The ecstasy and splendor of nothing

Nothing she repeated so she could breathe
The ridicule a distance so she could breathe
Her breathing was difficult ridiculous

And when the governor rode on calculating
His surrender he saw the women
Holding infants out for emphasis

And stretched his arm in swift inept sympathy
And said slowly to them moving on
I see you all have hope enough for tears

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garments of antiquity. It is hard to read *Momus* and not make connections between the failings of Olympus and the failings of a Christian heaven.

Alberti certainly intended his readers to draw contemporary conclusions from his ancient material, even if these conclusions were not necessarily theological. Most of the early editions carried the subtitle *De Principe* ("On the Prince"), and the book conducts a steady seminar on the trials and duties of a ruler. More interesting than the political lessons is the book's relentless pessimism. It is true that when Momus says that a beggar is happier than a prince, and so on, he is merely recycling the classical trope of inversion, namely "fool's wisdom" (*morosophos*), which Thomas More would play with in *Utopia* and Montaigne in his essays. That life is as fleeting as the sparrow's flight through a dining hall (Bede's famous image), and full of pain and uncertainty, is a commonplace, and one particularly loved by religious writers, since clearly the mere antechamber to heavenly happiness ought not to be *too* happy a place anyway. But Momus, Jupiter, and Charon all agree on the ghastliness of mankind, and there is a satirical violence of rhetoric here that goes beyond the familiar, and which makes *Momus* seem sometimes a premonitory text, looking forward not only to Rabelais and Erasmus, but to Swift and Beckett.

III.

ERASMUS STARTED WRITING *The Praise of Folly*, in Latin, in Thomas More's house in London in 1509. A pun on More's name suggested the title: *moros* is folly in Greek. More and Erasmus were friends and intellectual allies, though Erasmus always seems the more appealing figure, because he did not hold political office like More (who became lord chancellor in 1529), and because he lacked More's zealous interest in burning heretics at the stake. But both men believed that the liberal arts, especially the study of Greek and Latin, deserved renovation. The two worked together on translations of Lucian from Greek into Latin. Both thought that the church needed to cleanse itself of clerical abuses, such as indulgences, in which priests essentially sold reduced time in purgatory to their ignorant parishioners. Both thought that one could "build a path to theology," as More once put it, through the great secular authors.

Erasmus's sane via media was soon deserted on both sides, by the lustily reforming Luther on one side and the carefully conserving More on the other. During the 1520s, these bitter foes lobbed thousands of pounds of rhetorical ordnance at each other—tracts, treatises, pamphlets, millions of words. More, the creator of *Utopia*—a place, ironically enough, where people are free to follow any religion they like—would write, in the 1530s, that if anyone translated *In Praise of Folly* into English, he would burn the books with his own hands, "rather than folk would take any harm of them, seeing them likely in these days to do." By "harm," More means the harm of free thought.

But this was far off when Erasmus wrote *The Praise of Folly*. Almost five hundred years later, it marvelously justifies its canonical stature as one of the great early works of comedy. It is lively, gently witty, a delight to read from start to finish. It is immensely learned; Erasmus had just finished a vast book of over four thousand classical adages, and his prose, in the *Folly*, can barely crawl a line without throwing off earthworks of allusion. Homer, Horace, and Plato are the chief sponsors, but Clarence Miller's stupendous footnotes (and his fluent translation) reveal the uncanny depths of Erasmus's mastery of all the classical sources. Yet the *Folly*, appealingly, makes fun of erudition, too; we are in the comic realm of the pedantic digression. One drawback of the digression, as a mode of comedy, is that in order for it to "work" as a joke, it must actually be a digression, and is thus rather boring. *Tristram Shandy* rather labors under this paradox. But the *Folly* is at once digressive and succinct (it is only one hundred thirty pages long), a tremendous balancing act.

The book's narrator is Folly herself, who, as she explains, is dressed in the traditional cap and bells of the licensed court fool. She is addressing an audience, and has come to praise herself. Isn't it the case, she asks, that the most foolish people are the happiest? Children and old people are the happiest of all, because they are saved from the tedium of life that afflicts the rest of us. Folly says that she keeps many marriages going, because it is essential that husband and wife not know the truth about each other's faults. If one could look down on life, as Jupiter was said to do from his tower, who would not see "how miserable and messy childbirth is, how toilsome it is to bring children up, how defenseless they are against injuries," and so on. Who would not commit suicide? But in fact those who are most likely to commit suicide are those who have come closest to wisdom. By contrast, the foolish are happiest because they are blissfully unaware of life's hardships, and it is Folly herself who works this magic. Folly goes on to propose that consciousness itself is a curse. Who is happier than the bees? "What architect has ever produced buildings like theirs? What philosopher has ever established a comparable republic?" The nearer animals get to human consciousness—horses, for example—the unhappier they are, because they become sharers in the sufferings of men.

ERASMUS PRETTY MUCH INVENTED the paradoxical encomium, in which the subject of the speech is also the speaker, and in which a narrator proposes her own foolishness as the best way to live. Nowadays this is called unreliable narration, a kind of smudged hermeneutics in which we learn to see what the narrator is failing to say about herself, how she is fallible in ways not known to her but obvious to us, and so on. Erasmus uses Folly's fallibility to avoid having his meanings pinned down; it is a form of literary escape, frolicsome in itself but also necessary in an age of religious censorship and retribution. Thus, if Folly is really foolish, what she proposes about life—despite its obvious wisdom—cannot be entirely wise. When Folly says that life is really just hardship and toil, for instance, we credit the unblinkered accuracy of the analysis. That is what life is like. Yet Folly proposes that in order to live happily one has to blinker oneself from this horror—blinker oneself from the accuracy of Folly's own analysis. So Folly is right about the world, while offering to blind people to that analysis. Can she then be trusted? This is the paradox of "foolish wisdom." And there is a further paradox, enfolded within: if Folly has accurately seen the tedium of life, to cleave to Folly cannot finally be a way of blinding oneself to it, because Folly has just proved that she is not blind. So the games continue, purling happily along.

Erasmus makes his unreliable narration work most fruitfully for him when he reaches his true subject, the abuses of

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the contemporary church. Aren't those Christians, asks Folly, who "find great comfort in soothing self-delusions about fictitious pardons for their sins, measuring out the times in purgatory down to the droplets of a waterclock," aren't such people completely foolish? But aren't they very content? That is because Folly has come to their aid and made them foolish. If a philosopher were to point out how stupid all this is, how much happiness he would take away from them! Likewise the theologians, who enjoy discussing such things as "whether God could have taken on the nature of a woman, of the devil, of an ass, of a cucumber, of a piece of flint." Aren't these men quite happy, even as they "depict every detail of the infernal regions so exactly that you think they had spent several years in that commonwealth"? Folly ridicules those popes and priests who dress themselves in fine garments and enjoy the fruits of the world. How miserable the popes would be if they really had to imitate the life of Christ, with its poverty and labor and *contemptus mundi*.

This is funny, and also cleverly slippery: Folly, while obviously criticizing such churchmen, affects to be praising them as fine examples of the foolish life. Thus Erasmus gets to mock superstition while seeming to praise it. Folly's very praise of such nonsense reveals its suspect quality more powerfully than if Erasmus himself were simply satirizing it, or writing a tract against it. The unreliable narrator's praise is more undermining than would be the satirist's dispraise. This is one of those moments where *The Praise of Folly* leaves its religious and satirical roots and, borrowing proleptically from the techniques of the novel form, benefits enormously from its own literary complexity, ushering in a new kind of comedy.

YET THE BOOK BEGINS TO WOBble, and it wobbles on just this fault line, between the old and the new, the religious and the secular. As Erasmus continues his mockery of clerical abuses and theological absurdity, Folly's "praise" of such folly begins to recede, and we encounter several pages of straightforward, if highly entertaining, satire. Erasmus begins to speak in his own voice. And he realizes this, making Folly quickly concede that she should stop talking about popes and priests "lest I should seem to be composing a satire rather than delivering an encomium." This is a literary uncertainty, the moment at which Erasmus either chooses not to, or cannot, maintain the consistency of the unreliable narrator, and diverts instead to the stability, the didacticism, of satire. Folly, as a character, is finally less important to Erasmus than the content of Folly's message. Were Erasmus to maintain Folly's voice with absolute novelistic consistency, Folly would praise the popes and priests more than she would attack them—after all, they are her foolish beneficiaries, she supposedly approves of them. But Erasmus does not approve of them, and he shows that he will sacrifice a little novelistic cohesion in the interests of satiric victory. It is the moment in which old religious comedy asserts itself, and wins back ground from the new secular comedy; when *The Praise of Folly* stops being slippery and jokey and gets a little self-justifyingly hard and angry.

To be fair to Erasmus, though, he soon re-gains his slipperiness. By the end of the book, Folly is arguing, most persuasively, that Christians need to be a little foolish. Did not Jesus choose to ride on an ass rather than a lion, and prefer children and poor people to tax collectors and Pharisees? Christians are called "sheep" by Christ, and everyone knows how stupid those animals are. Yet just as you are nodding your head in agreement, convinced that once again Erasmus is poking through the fabric—for Folly is beginning to sound suspiciously wise and sane—his unreliable narrator seems to undermine her own argument: "Notice first of all that children, old people, women, and retarded persons are more delighted than others with holy and religious matters." Suddenly, the rich folly of the Christian disciple, following his shepherd, has become something close to imbecility!

Folly ends by recommending the spiritual life, and its "madness." The pious believer, she says, yearns to be in heaven, and his life on Earth, being "a meditation and a certain shadow (as it were) of that other life," sometimes experiences "a certain flavor or odor of that reward." Such believers may be transported into mystical regions, may lose the power of speech, begin to babble incoherently, have strange visions. When they wake up, "all they know is that they were never happier than while they were transported with such madness. Thus, they lament that they have come to their senses and want above all else to be forever mad with this kind of madness." Who does this sound like? It is Don Quixote we can see here, riding towards us. And it is Erasmus who first saw him.

IV.

THE IDEA THAT ANCIENT COMedy is "religious" and modern comedy "secular" would seem to be obstructed by the apparent anti-religiousness of writers such as Rabelais and Erasmus. Bakhtin's theory of comedy, after all, posits Rabelais as the great saturnalian comedian, mocker of orthodoxies and absolutisms. But the anti-religiousness of pre-modern comedy is often closer to anti-clericalism: the waste of religion is being mocked rather than its food. Molière, perhaps the purest example of religious corrective comedy, may have "corrected," in the character of Tartuffe, an atrociously hypocritical priest—and in turn been censured by the Catholic Church for it—but the play is careful to separate Tartuffe's perversion of religion from its true practice. Cléante reminds Orgon, who is Tartuffe's at first infatuated and finally disillusioned host, that "you mustn't think that everybody is like him and that there aren't sincerely devout men left nowadays. Leave such foolish inferences to the freethinkers, separate real virtue from its outward appearance..." Hypocrisy, like blasphemy, is one of those modes of behavior that needs the existence of the positive of which it is the distorted negative. It is an essentially stable category of thought.

By the same token, the continued existence of corrective comedy in a secular age should not necessarily disable its description as "religious." If by "religious" one means the dream of transparency; the victory of knowing over the smudge of unreliability; the existence of a stable system of human categorization; and a certain odor of didacticism—then religious comedy continues to flourish well into an unreligious age. One finds it still in political theater (Dario Fo, for instance, who is proud of his roots in *commedia dell' arte*), in dystopian allegory (Orwell, who

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is only wanly amusing, or Margaret Atwood, who can be bitingly funny); in the daily "corrections" of the hilarious tabloid press (who need icons like Princess Diana so that they can have devils like Camilla Parker-Bowles); and in the kind of social comedy that descends from Evelyn Waugh and Kingsley Amis.

But what constitutes "correction" in a secular age? Who is correcting whom, and on what warrant? Lacking a true religious funding, modern "religious" correction tends to feel unmoored, a punishment in search of a sin. One reads Waugh reliably amused, but rarely with the feeling that what he is satirizing matters very much. Not surprisingly perhaps, a great deal of Waugh and Amis squanders itself on slightness; and, as if to compensate for this slightness, the rhetoric of correction gets more and more strident. Take the famous passage from *Decline and Fall*, when the primitive Welsh brass band makes its appearance at the school garden party:

> Ten men of revolting appearance were approaching from the drive. They were low of brow, crafty of eye and crooked of limb. They advanced huddled together with the loping tread of wolves, peering about them furtively as they came, as though in constant terror of ambush; they slavered at their mouths, which hung loosely over their receding chins, while each clutched under his ape-like arm a burden of curious and unaccountable shape.

The clumsiness of the writing almost renders its punitive tendencies harmless. That word "revolting" is gratuitous, and the men's animality is hammered home through simple repetition and assertion: "wolves . . . slavered . . . ape-like." And above all, there is the notion that appearance merits such cruel scrutiny.

If the traditional category of hypocrisy is premised on the notion that behind appearances may lie truth, then this passage is the inversion of that notion: here appearance has become truth, and the style announces that nothing more to be known exists. This is the pale, modern image of the gods at laughter, except that Waugh has arrogated to himself the privilege that Homer accords to his characters: "And unquenched laughter arose among the blessed gods / As they saw Hephaestus limping through the hall." Decline and fall, indeed. ■

Anne Hollander
The Glittering Jumble

THE SUBSTANCE OF STYLE: HOW THE RISE OF AESTHETIC VALUE IS REMAKING COMMERCE, CULTURE, AND CONSCIOUSNESS
By Virginia Postrel
(HarperCollins, 237 pp., $24.95)

THIS BOOK PREACHES TO the converted, needlessly exhorting the long-since-addicted public to acknowledge the value of surface and appearance. Virginia Postrel is not an art critic or a design critic but an economics expert and a columnist, and her sense of the aesthetic dimension in material life seems to have sharpened up only recently because she has observed, and here records, a recent increase in that aspect of consumerism. Toilet bowl brushes, which were functional in shape for generations, felt and looked at only by their users, now come in rainbow colors and in many different forms and materials with correspondingly various stands and holders. This fact cannot be just a matter of status, chic, or conspicuous consumption, since the humble object has never had much visual or tactile claim, and it is never advertised. Its new stylized condition must have come into existence, therefore, wholly to delight the senses of the user, so that toilet bowl brushes could compete in the marketplace along with lamps and rugs, cars and shoes, soft drinks and cough drops, all the perpetually re-stylized goods and their re-stylized packaging that now make their pitch through the availability of a huge new variety in what she calls their "look and feel."

Postrel sees this kind of thing as an advance, indicative of something new and better in American civilization. Since she really believes that we all find pleasure and beauty less important than food and shelter, or than politics and religion, or even than sex and death or love and money, and that we find surfaces deceptive and attention to them frivolous, Postrel feels that she must argue in behalf of pleasure, beauty, and artifice and declare them to be deep and necessary, good in themselves.

Well, right, but we have always known this. What has really come about in the last thirty years is, instead, the same thing you can see everywhere else in American lives: a new worship of diversity as good in itself, minus any active judgment of goodness and badness or harmony and disharmony within it. *Those* are the things that we now refuse to acknowledge, not the value of pleasure, artifice, and beauty. If you think of buildings as consumer goods, for example, you often see artificial diversity created on an immense scale—stage-set-like shopping malls, vast groups of resort hotels cooked up to look cartoonishly historic or mythic, miles of eateries along 42nd Street similarly glittering with identically fake ethnic motifs. Postrel argues that such "inauthentic" environments please our diverse population, and that is what's good about them. Fake variety is egalitarian, nobody feels left out or condescended to, many different kinds of people like it, and isn't it lovely.

Postrel does not try to argue that people like it because it's lovely—and it certainly is not that. The aesthetic effect of these environments is one of excitement, wonder, and hilarity always on the verge of being depressing and appalling, rather like the circus. Wherever many varieties of equally stylized things are on offer, actual visual taste is not much focused on, only visual "plenitude," as Postrel calls it. She means by this the display of many similar things in distractingly various shapes and colors, not an array of truly different things. Never mind if the things differ in a serious way, or fail to differ at all; what's important is that they seem different.

In the many composite phenomena now on our overburdened visual scene—the computer screen when you log on,

Anne Hollander is the author most recently of FABRIC OF VISION: DRESS AND DRAPERY IN PAINTING *(Yale University Press).*

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the sensational trailers for movies—each individually dazzling component is canceled out by all the others. None gets any chance to have more visual value than another, so the whole ensemble is unintelligible and finally wearisome, especially if it comes in many colors, all in motion and flashing. A misguided belief is being acted on that since one brilliant color among six variant neutral shades suddenly looks marvelous—blazing with its distinct chromatic glory, promoting subtle distinctions among the dim others—why, then, seven different brilliant colors must naturally look seven times more marvelous, with glory for all, and no resentful neutrals left feeling oppressed and discriminated against. The issue of differing value among the equally glorious-looking is thus sidestepped.

Postrel believes that the "drab cubicles" on an office floor, or many computers and telephones in the same beige plastic, are bad; and that strikingly multicolored laptops, or office floors paneled in many different glossy woods and furnished in multi-colored upholstery, are good. And so they can be; but polished, fancy, and many-colored are not intrinsically marvelous, any more than plain, simple, and monochromatic are bad and boring. Right now, we cannot find plain and simple at all, because they have been eclipsed by Plain And Simple, a category now available for the design of housewares and furnishings in a variety of shapes and shades suggesting the Shakers, the Fifties, or Art Deco. There is no doubt that waiting rooms designed with living room–like care can be nicer than those with hard benches lined up against blank walls; but sometimes well-worn austerity seems just right for the mood and the moment. The look of a modest lunch counter that has evolved over time without any effort to compete in the style race is getting more and more appealing—and much more rare. Even waiting in line at the notably unstylized post office has become something of a relief.

ANOTHER OPPOSITION THAT Postrel wants to maintain is between Fine Art and Good Design on the one hand, phenomena that she finds not only demanding but exclusive and usually riddled with ideology (Ornament is Crime, Form Follows Function, and—worst of all—Less is More), and on the other hand popular taste, which arises everywhere in its natural diversity, and is now at last being generally catered to at higher and higher levels. The ideology behind this catering has escaped her notice, whereby freedom of aesthetic choice, made possible by freedom of enterprise, has become the visible symbol of freedom itself, along with the corollary principle that there can never be too much of all three.

What's missing is the warning that the price of each is still eternal vigilance. Serious aesthetic choice is always a matter of refusal, of rejecting whole ranges of components and combinations that do not satisfy, and then distinguishing among those that do—and this takes constant (even if low-key) aesthetic attention and effort, even having to choose the preferable seat in the waiting room instead of just finding room to sit down. Many people say that they hate to shop, and this usually means that they hate being confronted with too many confusing choices while trying to hold on to a stubborn idea of what they really want, and not seeing it amid all the plenitude.

The history of design shows, moreover, that Fine Art and Good Design have not been in opposition to the looks of goods that satisfied popular taste, but have always provided the models for them. Popular taste included a certain division between the perceived goodness and fineness of what was new and that of what was old. In the first half of the twentieth century, the new products of Good Taste and Fine Art were simple and abstract, suggesting the perfection of machine production and the force of basic emotion, projecting a fresh honesty. The character of the formerly Good and Fine was ornate, complex in form and founded on artifice; and so Academic paintings, tufted furniture, and porcelain covered with roses became examples of Bad Taste. They were no less popular, but they went out of fashion, and so examples of them were cheaply made for the non-fashionable public that shopped at Woolworth's. A fashionable sense of their Badness became justified by the crude look of derivative pictures and of mass-produced ornate china.

The Drab Cubicle effect, the pre-Stylization Mode, is what Postrel thinks of as non-style, or "pure function," as if she thought that designing purely utilitarian objects or spaces never used to require any aesthetic effort, or as if she had noticed none on the old cubicles and telephones. But one tenet of modern design held that such things need more exacting aesthetic effort than anything else. A useful thing needs first to look recognizable for its use; then to look self-contained and self-confident, graceful and eager, like an athlete; then to look attractive to the hand, pleasing as an enabling bodily extension. Distraction arises, not pleasure, and the best effect fails, if the thing looks too glorious and stimulating in itself, like a fashion model. Similarly if a tool looks too harsh, if the pitchfork seems to threaten, a formal harmony can be designed for it to modify the threat and make the scary thing look pleasantly compliant with the user.

Modern design was developed to explore the expressive appeal of such combined clarity, grace, and discretion. In part it represented another Neoclassic revival, informed (though not formally influenced) by the simple grace of Georgian spoons and row houses, whether those were made of silver and stone for the rich or of tin and brick for the poor. During the twentieth century, many decorative things came to be designed on the model of useful objects, so that an elegant bracelet might suggest gears or a suspension bridge. Of course, formal lapses could occur, and some tableware might too much resemble dental instruments, while many buildings depressingly did resemble shoeboxes. But toys still were made in many colors and looked entertaining in themselves; and now we have manifestly entered a time when everything aims to look like a toy, including huge buildings, and many fashionable garments aim to look like clown costumes. Postrel seems to welcome this aesthetic condition, which appeals to a large range of infant sensibilities rather than trying to propose a large range of adult standards.

STYLIZATION HAS BECOME SO demanding to the eye because its practitioners now draw indiscriminately on the universe of past taste, yanking bits of it back into service and out of its context. Stylized products—buildings, movies, bracelets, toilet bowl brushes—get more pretentious the less artless they are, the more "ironic" their formal references, so that many things now seem alarmingly obese with extra aesthetic weight, too "decorative" in their very being, even if simple. Some of the public, confronting this pretension at every turn of ordinary life, may well feel subliminally challenged

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to judge everything, gauge its success, respond to the "irony," catch the references, stand up to the assault of what's on view—unless, of course, people unconsciously begin to absorb most of it as if it were background noise, and feel that they must just try harder to find what they like in spite of it. When more and more of the public inevitably does that, then this glittering jumble in which we now swim will phase out as if it were another over-decorated Victorian Period but on a grander scale, and we will be in for a global bout of freshly minted, clear-eyed modernity, no doubt going by some other name.

MEANWHILE POSTREL IS DOCUMENTING the rise and the diffusion of expressive décor, eclectic design, and expanded choice. She has figures to prove that more stuff is being designed and manufactured and purveyed with the appeal of these characteristics primarily in mind than ever before, even by hard-headed General Electric, and that there are many more design schools, design departments, and design students than ever before, and in more countries; she notes that one company offers seven hundred styles of drawer-pull. She quotes an Australian article on this new state of things that says that formerly "sofas were for sitting on, and kettles were for making tea"—again as if a modest and unassuming visual style in things were somehow the product of biological growth, like the look of an egg.

Her main point is simply that highly noticeable design in itself has become an acknowledged competitive strategy, so that the public now expects to be perpetually captivated and entertained and flattered by the novelty and the variety of design in every kind of commodity, not just in the aspect of goods but in their physical ambience. Restaurants are as over-designed as the meals they serve; new boutiques selling wine or cheese or jams or cookies are fitted up like exquisite art galleries, with hushed spatial arrangements so arcane that the goods cannot readily be distinguished from the décor. Such establishments might not sit on the same street with the fake-ethnic diners, but the source of their overt allure is the same. And Starbucks might be on both streets, its interior carefully designed and lighted to promote casual lingering.

Self-conscious informality joins self-conscious gaudiness and exaggerated elegance among the normal looks for public interiors, everything with the look of a movie set calling attention chiefly to its role in a fantasy. Hotel rooms are the same, at mid-level as at high, all offering the Luxurious Look with much lush drapery and piquant extra pillows and no place to put anything down. Postrel notes that home decoration with exactly the same fantasy look, including the appropriate works of art for the walls, is now sold online or through catalogues at modest prices, instead of through decorators by appointment only. Special effects and production design, more than ever emphasized in movies, can now make life itself seem increasingly like a movie under the control of specialized stylists, and presumably just as ephemeral.

Actual quirky, private, individual taste seems likely to wither for lack of exercise in all of this, as seductive fashion claims every part of the material world. The more numbers of new choices are presented to the public, the less room for private invention and arrangement for self and surroundings. Personal stuff is not supposed to be kept around and repaired, selectively added to, subtracted from, altered slightly, re-discovered and re-combined, allowed to mellow at different speeds. The current right look suggests that a whole new scheme has been adopted, an entire old one discarded—the same process that only fashion in dress used to be accused of. It does seem that what has long been true for clothes and clothing accessories has spread to everything else, and also increased in the realm of personal appearance.

Postrel naturally takes up the theme of Fashion—here capitalized to mean the apparel business from the runway on down—which seems to be the model on which the marketing of all appearances has come to be based. Fashion may these days exert much more broadly its well-known iron grip on perception, whereby a skirt seems to have lengthened or a jacket's shoulders to have widened while the garment was hanging for a year in the closet, so that it suddenly looks unwearable instead of sensational. Now the kitchen utensils may start to do that in the drawer, and maybe even the new house, if the family goes away for enough months. Twentieth-century standardization is deplored by Postrel as having kept "aesthetics" from flourishing, even though all double beds became reassuringly the same size and all double sheets fit them, all bottle caps nicely fit all bottles, and all light bulbs screwed happily into all lamp sockets. Standardization also produced housing-development houses all on one model, and Postrel really deplores those. She seems not to understand why anyone would like them—perhaps she hasn't been to Bath or Edinburgh or the Place des Vosges; but she is careful to add to her list of admonitions the maxim that tastes differ.

WHAT PREVAILED DURING the epoch of standardization was the idea that everybody should be able to get the same thing; but now we believe that each person should be able to get exactly what he likes the "look and feel" of. To market such an idea successfully it is still necessary to produce huge numbers of the same thing, only in deceptively different-seeming varieties. Fashion becomes more noticeable than ever, since to sell successfully all the varieties must still follow only the generally desirable trends in looks—a range of colors, yes, but only fashionable ones; a range of styles only within the pale of what's generally desirable. Postrel says approvingly that you can now get a wristwatch in any size, shape, or color. That may almost be true; but you cannot get an elegant bracelet wristwatch that has all twelve numbers, because all the numbers are believed to belong only on watches with a leather or nylon strap. Bracelet watches all have at least some blips instead of numbers.

The persistence of basic sameness in the middle of a distracting false variety only helps to prove that doing what everybody else does seems to be a profound human need. The sense of unique personal consciousness is best supported by group membership—it is the high school state of mind, doubtless so popular in movies because it tends to persist through life. The fashion business has always made its millions on the absolute singularity of You, only sustained by the comfort you feel in the crowd you resemble. Postrel amplifies her remark about differing tastes by demonstrating that a large market, to be successful, need not be a mass market. One of her examples is that housing-development houses now come variegated as well as uniform, so you can find your crowd and feel unique living there, even when the houses do all look alike. The variegated ones will simply look alike differently.

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Meanwhile personal appearance has become a national obsession, with more sophisticated face-lifting, hair-altering, and hair-replacing methods becoming available every week, and the whole subject now mandatory in both social conversation and reportage, where it used to be absent. A political candidate's looks, grooming, and clothes are part of the news the way only a movie star's once were, and confessions at parties about private details of dress, underwear, hair, cosmetics, and cosmetic surgery are now mixed in with disclosures about physical and mental health, also once undiscussed at social gatherings. Meanwhile, what Postrel calls the "sensory profusion" in life is being further supported by innumerable and diverse hair, nail, tanning, and fitness salons for both sexes at all levels; and here she is quite right to praise the general rise in attention to forms of personal grooming, especially the re-birth of masculine interest in visually startling effects.

Postrel points out that we now see more good-looking people around us than were ever visible at once in human history, and that we have hugely broadened our standards of physical beauty, along with our liking for many more ways people have of fixing themselves up. People now actively enjoy surveying styles of looks that are not theirs, and all acknowledge that tallness, slimness, and blondness create only one way of looking good. All ways to look good now come in many piquant varieties for both sexes, often sustained by obvious artifice, along with clothes in striking modes not just ignored or tolerated but appreciated by observers who would never wear them. The stars of video and the music business have combined with local ethnic mixtures to make an exceptionally rich visual banquet out of modern urban fashion, now being perpetually renewed by the apparel business and the grooming boom. One part of this feast consists of the old coats and shoes worn for decades and never thrown away, still ready amid the great variety of the new to provide a nice old way to look good. Notably, Postrel does not discuss that new adventure in retro-taste, the vintage-fashion market; but its economics may not be very interesting.

Getting accustomed to the constant view of vastly differing attire among fellow citizens is no bad thing. It somehow promotes a sense of hope and peace, whereas looking at a table lamp in the form of a fresh cabbage alongside another table lamp in the form of an ancient firearm somehow does not. Lifeless objects are anyway no match for the clad living body, always a fluctuating set of familiar and alien mysteries, always potentially engaging. Although much is disgusting and ridiculous among the current ways that clad bodies appear, just as in any epoch, our expanded sense of what is attractive can now allow us to encompass more serenely the presence of what is not. *Nihil humanum*, etc.; and we always know that this too shall pass.

Postrel brings up antiquated (though still voiced) objections to the appeal of appearances on the grounds that they always hide the truth, and she gives examples from social critics such as Daniel Bell, who long ago called the marketing of fashion and cosmetics "the machinery of a wicked gratification of instant desire," and called their advertisement "this task of selling illusions, the persuasions of the witches' craft" expressly to emphasize the malign workings of capitalism. Content and packaging are now patently wedded, however, as capitalism has been sanctified and the union of bodies, cosmetics, and garments has been sanctified along with it, in the sacred forging of "identities." This is one of Postrel's favorite words, meaning selves completed by their chosen forms of clothing and grooming, and in due course by their chosen cars, houses, and restaurants; and brand "identities" are forged the same way, through the marriage of their substance with their "look and feel."

The strong objection of the "Puritan" kind is really not to the deceptiveness of surface but to its irrational power, which Postrel is unnecessarily enjoining us to rejoice in. Those who formulated the old objections feared loss of the power of reason, and especially of language, both sanctified in much earlier days as exclusive avenues to the power of truth. But surfaces are not engaged in deception, their aim is to be loved for themselves; and appearance is one form of truth, as the makers and lovers of art have known from the beginning. ■

Richard A. Posner
Wedding Bell Blues

SAME-SEX MARRIAGE AND THE CONSTITUTION
By Evan Gerstmann
(Cambridge University Press, 222 pp., $22)

IN JUNE, THE SUPREME COURT, IN a case called *Lawrence* v. *Texas*, ruled that statutes criminalizing homosexual sodomy are unconstitutional. Immediately lawyers began wondering whether this meant that homosexuals have a constitutional right to marry. (To marry persons of their sex, that is; there is no prohibition against a homosexual marrying a person of the opposite sex.) They were encouraged in their speculation by Justice Antonin Scalia's suggestion, in his dissenting opinion, that the logic of the majority opinion so dictated. Evan Gerstmann has now produced a forceful and tough-minded brief for the result that Scalia dreads. But as he explains, the *Lawrence* decision came down just days before his book went to press, so he was unable to discuss the decision's bearing on the homosexual-marriage issue except briefly in a preface; or to discuss the recent decision of the Supreme Judicial Court of Massachusetts in *Goodridge* v. *Department of Public Health*, holding that the Massachusetts constitution creates a right of homosexual marriage.

When I say that Gerstmann's book is tough-minded, I mean that it rejects a number of the arguments made by advocates of a right of homosexual marriage, such as that homosexuals should be considered a "suspect class" (the sensible term would be "suspect classification"), the curious phrase for a group, such as blacks, that has historically been discriminated against; or that forbidding homosexual marriage is a form of sex

Richard A. Posner is a judge of the United States Court of Appeals for the Seventh Circuit and a senior lecturer at the University of Chicago Law School.

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discrimination, either because it uses a sexual classification (a man can marry a woman but not a man) or because it is part of an overall pattern of discrimination against women, insofar as homosexual marriage would undermine the norm of "patriarchal" marriage in which a man dominates a woman. Gerstmann argues that labeling a group of people as victims who deserve the special solicitude of the courts demeans them. He believes that the prohibition against homosexual marriage is not based on gender, since it gives men and women exactly the same rights; and that it is ridiculous to think that homosexual marriage is prohibited as a way of keeping women down rather than homosexuals down. These are powerful arguments, especially the last two. It might be added that to assimilate homosexual men to women reinforces rather than combats stereotypical thinking about homosexual orientation.

Gerstmann also points out that the fact that sterile people are permitted to marry is not the killer argument against distinguishing heterosexual marriage from homosexual marriage that it may seem to be. The law frequently and unexceptionably draws crude lines—for example, it forbids non-citizens to vote in our elections without insisting that citizens demonstrate that they are in fact loyal to the United States in order to be allowed to vote. He even acknowledges that, under current understandings of constitutional law, "society can oppose homosexuality as a moral matter without engaging in unconstitutional animus." Government may not forbid abortion, but it can denounce it.

Gerstmann falters in places, as when he uses studies that show that married people live longer and are less promiscuous than unmarried people to argue that homosexuals would obtain comparable benefits if they were allowed to marry each other. All the studies are of heterosexual marriage. He also errs when he cites the estimate that eight to ten million American children are being raised by homosexuals. Homosexuals are at most 3 percent of the population; most of them are not raising children; and the under-eighteen American population is only about seventy million. So the estimate is off by at least an order of magnitude: if—and this, too, is undoubtedly an overestimate—one-third of homosexual Americans are raising children, then 1 percent of the nation's children are being raised by homosexuals, which comes to seven hundred thousand.

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BUT THESE ARE DETAILS, AND anyway Gerstmann's argument for a constitutional right of homosexual marriage is based not on empirical fact but on constitutional theory. His argument is that the Supreme Court—rightly, in his view—has ruled that marriage is a "fundamental right," meaning that a state cannot take it away without a compelling reason; and the state does not have a compelling reason in the case of same-sex marriage. In a case called *Turner* v. *Safly*, the Court in 1987 ruled that a prison inmate could not be denied the right to marry, although the prison could forbid conjugal visits. If prisoners, why not law-abiding homosexuals?

But Gerstmann overlooks a "fundamental" difference. The Court in *Turner* was not expanding the basic right to marry as defined by marriage law and custom. It was not as if marriage laws forbade prisoners to marry. The question was whether a prisoner could be denied the same right (actually a greatly diminished right, since it did not permit the prisoner to live with his wife) enjoyed by non-prisoners. When Gerstmann describes the right to marry as fundamental, he means that any person who wants a marriage license has a strong presumptive right to it regardless of how the person defines marriage. He might be a man who wanted to marry his sister (both being sterile), or a very mature twelve-year-old boy (say, a freshman at MIT) who wanted to marry his twelve-year-old girlfriend (say, a freshman at Harvard), or a married man who wanted additional wives so that they might help out his current wife around the house, or a busy professional woman who wanted two husbands, the better to take care of the house and the kids, or a homosexual male who wanted three male spouses.

If the right to marry, irrespective of the conventional limitations on number, object, and so on, is fundamental in the portentous sense of putting on the state the burden of showing that the recognition of the right in the particular case would work some serious social harm, then it is doubtful that a marriage license could be refused in any of the cases that I have described. For what harm does polygamy do, exactly, and what harm does incest do when there is no possibility of children? Gerstmann's approach thus has implications far beyond the question of homosexual marriage as it is ordinarily understood.

He is aware of the problem, but he cannot solve it. When he attempts to distinguish polygamy from homosexual marriage by saying that denying a right to marry several women does not deny the right to marry the person of your choice, he overlooks the fact that a woman who would like to be a polygamist's second wife is denied the right to marry the person of *her* choice. Gerstmann also argues that if a man were allowed to have two wives, there could be no objection to his being allowed to have a thousand wives. Maybe not, but that is just an example of where the logic of his approach leads. (The Massachusetts court in the *Goodridge* case wisely did not try to explain, but instead merely asserted, that its decision would not disturb the state's prohibition of polygamy.) And I have not even tasked him with explaining what the state's compelling interest is in forbidding a man to marry his beloved dachshund.

Gerstmann criticizes the prohibition of homosexual marriage on the ground that it is a matter of the majority trying to take away other people's right to marry; but that is also what is involved in prohibiting polygamy. He objects to incestuous marriage, even when the partners are sterile, on the ground that it is likely to involve the exploitation of children. This is certainly a reason for forbidding a father to marry his daughter, but not for forbidding marriage between siblings; and he is forced to entertain the possibility that such a prohibition might indeed be unconstitutional. It is a strange implication of Gerstmann's approach that if a man wanted to marry his sterile sister, his eighty-year-old grandmother, three other women, two men, and his chihuahua, a court would have to turn somersaults to come up with a "compelling state interest" that would forbid these matches.

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IT SHOULD BE APPARENT BY NOW what the problem with Gerstmann's approach is. Though he is a political scientist as well as a lawyer, his approach to the question of homosexual marriage is legalistic. Find a precedent (*Turner* v. *Safly*, or *Zablocki* v. *Redhail*, a case in 1978 that invalidated a law prohibiting a person who was under court order to support minor children to marry without the court's permission), and analogize it to the present case, and use the analogy to put an impossible burden of proof on your opponent, and limit the scope of your rule by rejecting further analogies on however arbitrary a ground, so that the right of a prison inmate to marry is deemed analogous to a right of homosexual marriage but not to a right of polygamous marriage, because the polygamist, unlike the homosexual, is not denied the right to marry the person of his (first) choice.

This is what is called "legal reasoning," and it is hard to take seriously. For one thing, there is nothing sacrosanct about precedent, especially in the Supreme Court. In *Lawrence*, the Court overruled a precedent that was not merely analogous to the case at hand, as *Turner* and *Zablocki* might be thought analogous to a case involving homosexual marriage, but identical to it. (The case was the notorious *Bowers* v. *Hardwick*, which had upheld the validity of criminalizing homosexual sodomy.) For another, it would be child's play, as a matter of legal casuistry, to limit those two cases to conventional, monogamous, non-incestuous, heterosexual marriage.

Judges like to pretend that their decisions are dictated by "logic," or by an authoritative text or precedent, because it downplays the element of judicial discretion, which worries people. The pretense wears particularly thin in constitutional cases about marriage and sex, because the Constitution does not say anything about these subjects, and the framers of the Constitution, and of the major amendments, in particular the Fourteenth Amendment, which is the principal source of constitutional rights against the states, were not thinking about marriage, sex, homosexuality, or related topics when they drafted these founding documents. (Neither were the ratifiers.) Decisions such as the four that I have mentioned, together with the Supreme Court's other well-known sex-related decisions, such as *Griswold* v. *Connecticut* (holding that a state cannot forbid married couples to use contraceptives) and *Roe* v. *Wade*, are all "political" decisions—not in the narrow Democratic versus Republican sense, but in the sense of being motivated by values not dictated by the orthodox materials of judicial decision-making. Precedent and analogy operate as fig leaves in such cases.

SO WE HAVE TO DIG MUCH DEEPER to answer the question whether there should be a constitutional right of homosexual marriage. We have to consider why homosexuals want the right, what the consequences of giving it to them might be, why the right is so strongly opposed by the public, and whether the Supreme Court is the proper institution to authorize homosexual marriage. Gerstmann touches on almost all these questions, though he does not ask why there is so much public opposition to homosexual marriage, and he is surprisingly but revealingly incurious about what ordinary people think—he is doing constitutional law, after all, and constitutional law is about placing curbs on democratic preference. But he does not do the questions justice.

Regarding the first question, there are a number of material advantages of marriage—marriage confers rights that can be duplicated only imperfectly by contract—though there is also the well-known tax disadvantage (the "marriage tax") for some married couples. The material advantages of marriage are important to homosexuals, though less so than to heterosexuals, because a homosexual couple is much less likely to be raising children. But probably a bigger issue is social legitimacy. Recognizing homosexual marriage would place a very public stamp of approval on homosexual relationships—which is the principal reason why heterosexuals tend by quite large margins to oppose not only homosexual marriage but even "civil unions" and other marriage simulacra for homosexuals.

In a recent *Washington Post* poll, 58 percent of the respondents opposed civil unions for homosexuals and only 37 percent favored them; oddly, this was greater than the margin—55 percent to 40 percent—by which homosexual marriage was opposed in another recent poll, this one by ABC and *The New York Times*. No doubt some parents fear, though almost certainly groundlessly, that the stamp of approval of homosexuality that a right of homosexual marriage would confer would make it more likely that their own children would become homosexuals. But I suspect that more object for the same reason they would object to incestuous or polygamous marriages, or allowing people to marry their pets or their SUVs—that it would impair the sanctity, degrade the institution, of marriage (*their* marriage) to associate marriage with homosexuality. The point is not that heterosexuality is part of the meaning of marriage. Meanings can change, as Gerstmann emphasizes. The point is that most heterosexuals do not want the meaning of marriage to change. Most of them, though willing to grant homosexuals equal rights in most spheres, do not approve of homosexuality (tolerance is not the same thing as approval) and do not want the state to allow the word "marriage" to be appropriated by homosexual couples.

The Massachusetts court in *Goodridge* missed this distinction. It thought the fact that the state prohibits employment discrimination against homosexuals and permits them to adopt children showed that the state's refusal to recognize homosexual marriage was irrational. It is not irrational, because the stakes, including the symbolic stakes, are different. What is more, if a state's laws must compose a consistent whole, which they never do, the courts' power to invalidate laws of which they disapprove has no limits. And if it were irrational to permit homosexuals to adopt but not to marry, this would not establish which law should be disapproved.

The question is what weight the strong public disapproval of homosexual marriage should be given in balance with the interests of homosexuals. Gerstmann realizes that government, while it is not allowed to forbid abortion, is allowed to express its disapproval of it by refusing to fund abortion clinics. For that matter, it is permitted—and Gerstmann wants it to be continued to be permitted—to express disapproval of polygamy by outlawing polygamous marriage. So why, then, may government not be permitted to disapprove of homosexuality by forbidding homosexual marriage? The answer might be that this prohibition stigmatizes homosexuals, whereas the people who want to practice polygamy do not belong to a traditionally oppressed minority (this is not entirely true, but I will let it pass). Gerstmann does invoke stigma, but the invocation is in sharp tension with his rejection of "suspect class" status for homosexuals. If homosexuals

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do not constitute a suspect class, then disapproval of their sexual orientation, expressed in the prohibition of homosexual marriage, is no different from disapproval of polygamists, expressed in the prohibition of polygamy. Gerstmann points out that the courts protect a variety of unpopular groups, such as the Ku Klux Klan, so why not gays and lesbians, who are less unpopular than Klansmen or Nazis? But it is one thing to protect an unpopular group's freedom of speech, and another to give it the Good Housekeeping seal of approval, or a tax deduction. And remember that Gerstmann had denied that moral disapproval of homosexuality is unconstitutional.

IT SEEMS THAT WE HAVE REACHED an impasse, with the desire of homosexual couples for the material, psychological, and symbolic benefits of marriage opposed by the desire of heterosexuals to withhold the official endorsement of homosexual relationships that would be implicit, or taken as implicit, in allowing them to claim the name and status of marriage. *Goodridge* cannot break the impasse, because it is the decision of one state, and the Massachusetts court was careful to base the decision on the Massachusetts constitution rather than on the Constitution of the United States. But maybe *Lawrence* can enable us to overcome the impasse.

Justice Anthony Kennedy's majority opinion offers three grounds for invalidating criminal laws against homosexual sodomy. The first might be called (it is not Kennedy's word, of course) the "bandwagon" argument, that there is increased toleration for homosexuals, as indicated by the steady decline in the number of states that criminalize homosexual sodomy and the virtual nonenforcement of such laws in the states that retain them. But the bandwagon argument will not carry the day for homosexual marriage, since no state recognizes such marriage (we have yet to see how the Massachusetts legislature and populace will respond to *Goodridge*) and only one (Vermont) recognizes even civil unions. The polls that I mentioned earlier understate the opposition to homosexual marriage, because they do not weight their numbers by intensity. It is apparent from the Defense of Marriage Act passed by an overwhelming vote in Congress and signed by President Clinton, which both denies any federal marital rights (such as Social Security survivor benefits) to members of a homosexual marriage and confirms that a state is not legally required to recognize a homosexual marriage contracted in another state, and from the subsequent passage by two-thirds of the states of statutes declaring that indeed *their* state will not recognize the validity of homosexual marriages wherever contracted, and from the fact that no mainstream politician supports homosexual marriage—it is apparent from all these things that the opponents of homosexual marriage feel much more strongly about the issue than the supporters.

The supporters of marriage, after all, are mainly heterosexuals—of the 40 percent of the population that according to the recent poll endorse homosexual marriage, the vast majority must be heterosexuals, since as I say homosexuals appear to be at most 3 percent of the population; and the only basis of their support, for most of them—an exception may be family members of homosexuals—is that homosexual marriage does not bother them. They do not feel passionate about the issue; it does not affect them. But many of the opponents are passionate in their opposition because they feel deeply threatened by the proposed change in the concept of marriage. And in a democratic society, powerful currents of public opinion deserve recognition even by the Supreme Court, at least in cases to which neither the Constitution nor any other authoritative legal text speaks with clarity.

Kennedy next pointed out that the criminalization of homosexual sodomy subjects those few homosexuals who are actually prosecuted, such as the two defendants in the *Lawrence* case, to significant disabilities; but those disabilities (such as having to register as a convicted sex offender) have no close counterpart in a prohibition of homosexual marriage. There is a difference between criminal punishment and the denial of access to a social institution. But Kennedy added that Lawrence and his co-defendant "are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime." When this remark is put together with Kennedy's acknowledgment elsewhere in his opinion that the condemnation of homosexuality is actuated by "profound and deep convictions as ethical and moral principles," there is at least a suggestion that moral disapproval of homosexuality is not a valid basis for legal action. (Scalia in his dissent picked up the suggestion, saying that the majority had written *finis* to any law based on moral disapproval with no accompanying proof of tangible harm, such as laws forbidding sex with animals.)

But it is just a suggestion. All that the decision actually holds is that moral disapproval of homosexuality is not a valid basis for criminalizing homosexual conduct; and, as I have said, the government can express its disapproval of what it regards as immoral activity by withholding a subsidy even when it cannot do so by criminal punishment; and it is a form of subsidy that Gerstmann is advocating, since marriage is a source of privileges. So I conclude that *Lawrence* will not overcome the impasse over whether there should be a constitutional right of homosexual marriage.

WHERE, THEN, ARE WE? I am dubious about interpreting the Constitution to authorize the Supreme Court to make discretionary moral judgments that offend dominant public opinion. Nothing in the Constitution or its history suggests a constitutional right to homosexual marriage. If there is such a right, it will have to be manufactured by the justices out of whole cloth. The exercise of so freewheeling a judicial discretion in the face of adamantly opposed public opinion would be seriously undemocratic. It would be a matter of us judges, us enlightened ones, forcing our sophisticated views on a deeply unwilling population. It would be moral vanguardism. Gerstmann, when he is being tough-minded, inveighs against the Supreme Court's engaging in "sociological freelancing," but that is what he is advocating. He rightly does not suggest that moral philosophy can fill gaps in the constitutional text and enable the Court to declare moral disapproval of homosexuality unconstitutional.

There is an alternative to judicializing the issue. It is to submit it to social experimentation. A great advantage of our federal system is that it enables large-scale social experiments, as the Supreme Court recognized recently when it authorized public school vouchers. We can subject the issue of homosexual marriage to experimentation as well. Gerstmann is remarkably court-centric for a political scientist, stating that "the merits of same-sex marriage ... is too impor-

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tant an issue for the federal courts to ignore." It could just as well be said that there are issues too important to be left to a committee of lawyers—which is what the Supreme Court is, after all.

Vermont has, since 2000, authorized civil unions, and we can learn from its experience with them, imperfect though it must be because Vermont cannot compel the federal government to extend the federal benefits of marriage to members of its civil unions. (This is where the Defense of Marriage Act bites.) Hawaii came close to authorizing homosexual marriage—and now Massachusetts, or at least its judicial branch, *has* authorized it. It looks as if we will be able to learn something about the consequences of such marriage after all; and, depending on what we learn, other states may follow suit, or the consequences may turn out to be so one-sided that the courts can step in with confidence.

Granted, there is a problem with the suggested experiment; it is the problem that lies behind the Defense of Marriage Act and the follow-on state statutes that I mentioned. If one state authorizes homosexual marriage, then (it might seem) homosexual couples from all over the country would flock there, marry there, and return home, so there would be plenty of experimental observations. But not so; for the states to which they returned would not recognize the validity of their marriages. The Constitution requires states to recognize the validity of legal judgments obtained in other states, but a marriage is not a judgment. Even so, the experiment would not be a failure, because homosexual couples planning to remain in the state would marry and we would learn from their experience how homosexual marriage works out. This seems to me the prudent as well as the democratic way to handle this explosive issue, an issue intractable to legal analysis and inappropriate for judicial resolution. So, paradoxically, although the Supreme Judicial Court of Massachusetts is not a democratic institution, it may contribute to a democratic resolution of the controversy. As Gerstmann remarks at one point in his careful, interesting, worthwhile, though ultimately unconvincing book, "good policy aims are not necessarily good constitutional or judicial aims." ■

CORRESPONDENCE

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farming engine" will sacrifice sustainability as rapidly as any other agribusiness.

Although U.S. subsidy practices need improvement, I believe the United States should not become as food dependent as we are oil dependent. Our government should acknowledge that biodiversity is important. Farmers of arable land should be encouraged to stay in production, and information and knowledge formed at a grassroots level should be handed down to future generations. Brazil's success should not depend on loss of diversity, loss of generational knowledge, or loss of arable land in the United States.

MARJ PERRY
Carbondale, Colorado

CHOCK FULL O' NUTS

IN THE BLURB FOR RYAN LIZZA'S piece on Howard Dean's labor support, Lizza refers to "latte-sipping lefties" ("At His Service," November 10). This is a canard. Real lefties drink cappuccino. Latte, a milder drink, is the beverage of centrist budget-balancers striving for a veneer of leftism. Indeed, I have my suspicions that Dean himself is a latte-sipper. As for his fans on the left, the question is not what they are drinking but what they are smoking.

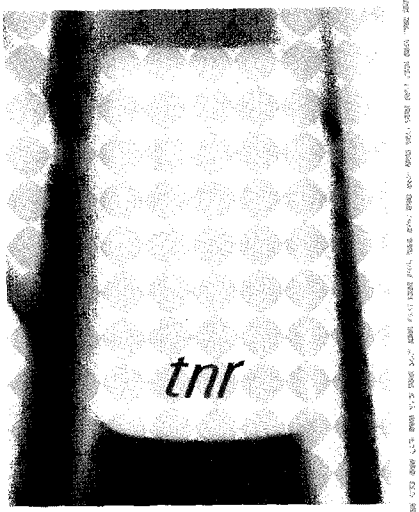
ELLEN WILLIS
New York, New York

SPOILER

CALLING A 17-YEAR PERIOD WITHout a World Series appearance a "drought" severely undermines Spencer Ackerman's contention that New York Yankee fans aren't spoiled ("Damned Yankees," November 10). There are 14 teams in the league, most of which wish they were in just a 17-year drought.

I don't understand why New York newspapers are prohibited from showing any compassion or noting that Major League Baseball is on the verge of becoming "New York's pastime." I guess it would have also been wrong for *The New York Times* to express any compassion for the New Jersey Reds.

MICHAEL YOUNG
Pittsburgh, Pennsylvania



Hot Button Issues

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WASHINGTON DIARIST

Fear Factor

IT IS ALWAYS HUMBLING TO DISCOVER precisely how human you are, how prone to the same frailties, foibles, and garden-variety neuroses as the zany unwashed masses who watch "Fear Factor" religiously, believe Miss Cleo really is psychic, and trample one another at Wal-Mart for a shot at a dirt-cheap DVD player. Most days, you like to think you've got it more together than these folks. Then, every now and again, something happens to remind you just how deluded you are.

FOR ME, THIS TIME AROUND, THAT SOMEthing was the onset of parenthood. In the predawn hours of August 19, my husband and I found ourselves in the maternity ward of Washington's Sibley Memorial Hospital gawking, cooing, and shamelessly slobbering all over our newly delivered son. Tom has already proved exceptional in all the expected areas: eating, sleeping, pooping, belching, spitting up all over Mommy just as it's time to dash off to day care. But, while my son seems to be smoothly navigating the transition from womb to Washington, I find myself staggering over a number of unanticipated bumps along Maternity Lane. Don't misunderstand: I was braced for the endless feedings and unexplained crying and mysterious rashes and near-daily pilgrimages to the pediatrician. Yes, I wish someone had warned me that, when nursing, it's best not to eat a platter of spicy nachos unless you want to spend the next 24 hours listening to your gassy newborn shriek at a pitch and volume capable of shattering the champagne flutes in your neighbor's china cupboards. But my learning curve is steep when it counts, and Tom seems to have forgiven me my early gustatory transgressions.

LESS EASILY RECTIFIED IS THE OVERwhelming feeling of vulnerability that a tot brings—a vulnerability that, in my case, slides not infrequently into full-blown paranoia. Baby sleeping less than usual? Must be gravely ill. Sleeping more than usual? Ditto. Having a fussy morning? Something I ate has poisoned him. Quiet for long stretches? Oh my God, he has suffocated himself with the leopard-print bumpers on his crib! I *told* my husband those were a tragedy waiting to happen!! And this doesn't even take into account the lurking dangers posed by Other People. A few hours before my son's night nanny arrived for the first time, it suddenly occurred to me that I had no proof that this woman was who she said she was. What if Diana—assuming that was even her name!—was in fact some fiendishly clever baby-napper who had intercepted my call to the placement agency and made plans to spirit my wee piggy-poo away into the darkness as soon as everyone in the house was asleep? As it was too late to phone the agency, I settled for double-locking every exterior door in the house—and then hiding the key. If this so-called "nanny" wanted to steal my boy, she was gonna have to bust out a window to do it.

YOU'D THINK BEING BACK AT WORK and thus focused on something other than my child for a few hours each day would improve my condition. Wrong. It's not that I worry about the hellish abuse or malignant neglect Tom might suffer while away from me. Quite the contrary: I'm confident that his crack team of day care providers is far better equipped to handle my tot's developmental needs than is his frazzled mommy. The fabulous Dorlene, for instance, is unlikely to interrupt poor Tom's nap every ten minutes by noisily hovering over his crib to make sure he's still breathing. And, when my fat-cheeked cherub occasionally fails to approach feeding time with the proper gusto, Dorlene almost certainly will not become convinced that he has contracted the newest superstrain of influenza and must be immediately medevaced to Children's Hospital.

RATHER, MY WORK-INDUCED PARANOIA comes from reacquainting myself with the dark and dangerous events ever transpiring beyond the warm and snuggly borders of Babyland. While on leave, I considered it my near-sacred duty to ignore any newspaper, chat show, or political blog threatening to interrupt the bonding process between baby and me. Another Black Hawk down over Iraq? Can't worry about it now, have to sterilize bottles. The Bushies concocting stories about mid-air chats with British Air pilots? Sorry, bath time. Some Austrian bodybuilder-cum-movie-star with a history of steroid use and a rep for treating women with less respect than his jockstrap gets elected governor of the most populous state in the nation? Actually, that one was funny enough to penetrate even my self-imposed isolation.

BUT MY VACATION FROM THE NEWS IS over. Now, on top of obsessing about my son's eating habits and the consistency of his poo, I must fret about rising mercury levels in his future tuna sandwiches—compliments of the Bushies' latest "reform" of the Clean Air Act. Then there's the *Newsweek* report on how postwar Iraq is becoming the hot vacation destination for Al Qaeda freaks. And, oh yes, *The Washington Post* notes that some three dozen radiological warheads—ideal for the construction of smallish dirty bombs—have disappeared from the Transdniester Moldovan Republic, a former sliver of the Soviet Union now providing one-stop shopping for global bad guys in search of hard-to-find weapons. Just what my nerves needed. Pre-baby, I was mildly troubled by the thought of a nut-job jihadist unleashing something unpleasant on the streets of D.C. Post-baby, the idea is almost paralyzing. I'd pack up the family and head for one of the seemingly safer flyover states, but *USA Today* says our nation's capital is one of the only areas of the country not yet under assault by a killer flu.

SO WHAT'S A NEUROTIC MOMMY TO DO? I've begun to think a less anxiety-provoking job might be the answer. And, ironically, the White House may be just the island of tranquility I seek. In Bushland, our foreign endeavors are always going 100 percent according to plan, and there's no domestic ill that can't be cured with a big ol' back-loaded tax cut. Better yet, a refusal to read the paper or watch the news is considered a plus, at least if Bush's bubble-boy boasting is any indication. I may not be able to change the world around me. But I can willfully disregard whatever aspects of it I find inconvenient. If that doesn't qualify me to join Team Bush, I don't know what would.

MICHELLE COTTLE

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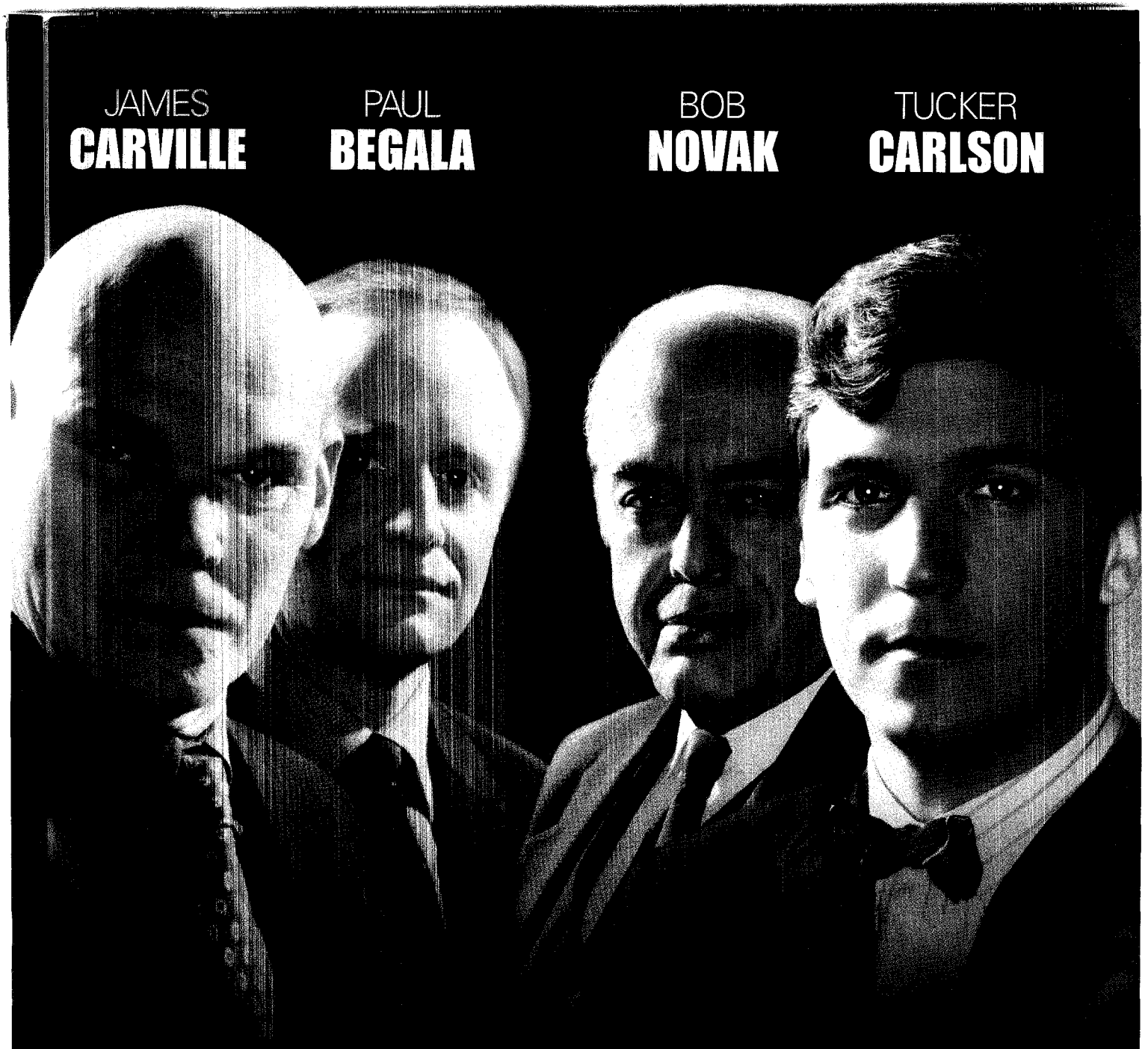

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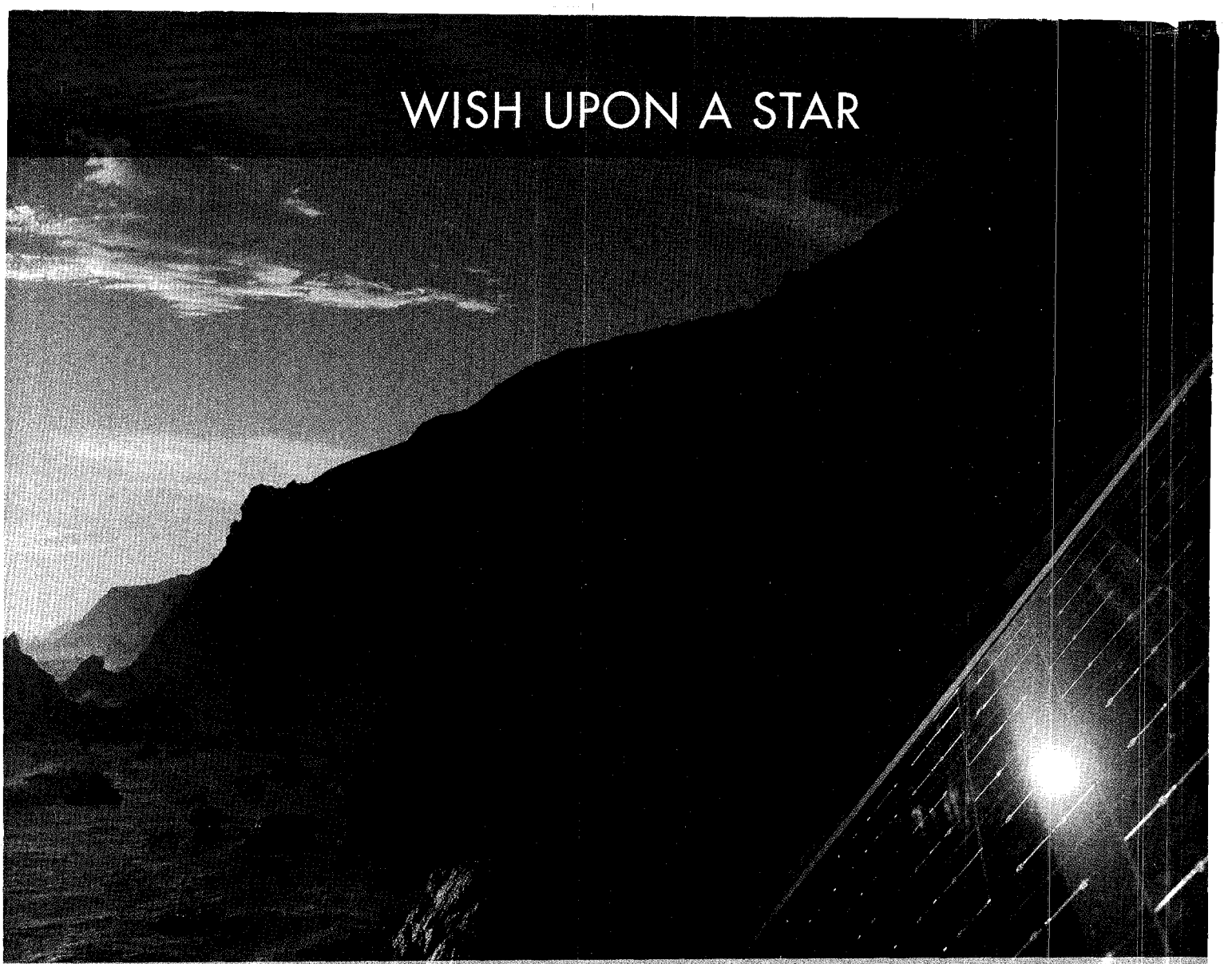

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